AGENDA
IDaho Water Resource Board

Board Meeting No. 5-19
May 10, 2019
8:00 a.m.
Red Lion Hotel
Conference Room
621 21st St.
Lewiston

1. Roll Call

2. Executive Session – Board will meet pursuant to Idaho Code §74-206(1) subsection (d), to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code. Topic: Boise River Water Rights. In addition, the Board will meet pursuant to Idaho Code §74-206(1) subsection (f), for the purpose of communicating with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Topic: Snake River and Lemhi Water Rights, and North Idaho Adjudication. Executive Session is closed to the public.

Following adjournment of Executive Session – meeting reopens to the public.

3. Elmore County Snake River Water Right Application*

4. Public Comment

5. Agenda & Approval of Minutes*


7. Secondary Aquifer Planning Management and Implementation Fund FY 2020*

8. Rental Pools*

9. ESPA Recharge*

10. Palouse Basin Aquifer Committee Update

11. Mid-Snake Water Quality Monitoring and Modeling*

12. North Idaho Adjudication Update

13. IDWR Northern Regional Manager Update

14. Director’s Report

15. Non-Action Items for Discussion

16. Next Meeting & Adjourn

* Action Item: A vote regarding this item may be made this meeting. Identifying an item as an action item on the agenda does not require a vote to be taken on the item.

Americans with Disabilities

The meeting will be held in facilities that meet the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations to attend, participate in, or understand the meeting, please make advance arrangements by contacting Department staff by email nikki.regent@idwr.idaho.gov or by phone at (208) 287-4800.

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800  Fax: (208) 287-6700  Website: idwr.idaho.gov/IWRB/
Memorandum

To: Idaho Water Resource Board
From: Cynthia Bridge Clark
Date: April 28, 2019
Re: Elmore County Snake River Water Right Application No. 2-10535

REQUIRED ACTION: Consideration of withdrawal of protest.

The Idaho Water Resource Board (IWRB) filed a protest of Elmore County’s water right application no. 2-10535 to divert 20cfs from the Snake River for ground water recharge, irrigation, and municipal use. The IWRB will discuss the status of the application and a potential stipulation to resolve the IWRB’s protest. Materials will be provided at the IWRB meeting.
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE BOARD’S PROTEST TO WATER RIGHT APPLICATION NO. 02-10535 (ELMORE COUNTY, BOARD OF COMMISSIONERS)

RESOLUTION TO ADOPT STIPULATION FOR WITHDRAWAL OF THE BOARD’S PROTEST

WHEREAS, the Idaho Water Resource Board (“Board”) is a constitutional agency of the State of Idaho and empowered by Section 7 of Article XV of the Idaho Constitution and Idaho Code § 42-1734A to formulate and implement a comprehensive state water plan for optimum development of water resources in the public interest, subject to legislative approval; and

WHEREAS, on November 28, 2012, the Board adopted a revised “Idaho State Water Plan,” and revised Idaho State Water Plan provides for Minimum Average Daily Flow at the Murphy Gaging Station on the Snake River of 3,900 CFS from April 1 to October 31, and 5,600 CFS from November 1 to March 31; and

WHEREAS, the Board is authorized under Chapter 15 of Title 42 to apply for and hold water rights to establish minimum stream flows; and

WHEREAS, the Board holds three water rights, water right nos. 02-201, 02-223, and 02-224, that were decreed in the Snake River Basin Adjudication for the purpose of minimum stream flow and that collectively provide for an average daily flow of 3,900 CFS from April 1 to October 31, and 5,600 CFS from November 1 to March 31, as measured at the Murphy Gaging Station on the Snake River; and

WHEREAS, Idaho Code § 42-1736B provides that all future filings, permits, and decrees on the unappropriated waters of this state shall be determined with respect to the effect such filings, permits, and decrees will have on the minimum daily flow of the affected stream or river; and

WHEREAS, Idaho Power Company holds certain hydropower water rights decreed in the Snake River Basin Adjudication that collectively provide for an average daily flow of 3,900 CFS from April 1 to October 31, and 5,600 CFS from November 1 to March 31, as measured at the Murphy Gaging Station on the Snake River; and

WHEREAS, the State of Idaho holds in trust certain hydropower water rights for flows of the Snake River in excess of the minimum average daily flow of 3,900 CFS from April 1 to October 31, and 5,600 CFS from November 1 to March 31, as measured at the Murphy Gaging Station on the Snake River; and

WHEREAS, Idaho Code § 42-203C provides that applications to appropriate water held in trust by the State of Idaho pursuant to Idaho Code § 42-203B that would significantly reduce the amount of “trust water” available to the holder of the water right used for power production must be considered with respect to the “public interest;” and

Resolution Regarding Stipulation for Withdrawal of Protest to Water Right Application No. 02-10535
Resolution No. 6-2019
WHEREAS, on October 27, 2014, the Director of the Department of Water Resources issued a “Final Order Regarding Measuring and Reporting the ‘Average Daily Flow’ as Measured at the Murphy Gaging Station” (“Order”) for purposes of distributing water to the above-referenced hydropower water rights held by Idaho Power Company, the above-referenced hydropower water rights held in trust by the State of Idaho, and the above-referenced minimum stream flow water rights held by the Board; and

WHEREAS, on March 3, 2017, an application to divert 20 CFS from the Snake River at a location south of the City Mountain Home and upstream from the Murphy Gaging Station, for ground water recharge, municipal, and irrigation purposes, was filed with the Department of Water Resources by Elmore County, Board of Commissioners, under application no. 02-10535; and

WHEREAS, the Board filed a protest to application no. 02-10535 on November 6, 2017; and

WHEREAS, the Elmore County Board of Commissioners has executed a “Stipulation for Withdrawal of Protest” (“Stipulation”) that calls for withdrawal of the Board’s protest to application no. 02-10535, and for the permit issued pursuant to application no. 02-10535 to include conditions acknowledging as follows:

that the water being appropriated is “trust water” as defined in the Department of Water Resources’ rules for water appropriation;

that “trust water” shall not be used for municipal domestic in-house uses without an approved Mitigation Plan that mitigates for any depletions to Snake River flows below the “average daily flow” as measured at the Murphy Gaging Station pursuant to the above-referenced Order, or that provides an alternative source of water for in-house uses, if the flow of the Snake River falls below the “average daily flow” as measured at the Murphy Gaging Station pursuant to the above-referenced Order; and

that should the flow of the Snake River fall below the “average daily flow” as measured at the Murphy Gaging Station pursuant to the Order, diversions under the permit will cease until the flow of the Snake River meets or exceeds the “average daily flow” as measured at the Murphy Gaging Station pursuant to the above-referenced Order, unless there is an approved Mitigation Plan; and

WHEREAS, the Board has reviewed and considered the above-referenced Stipulation and determined that the conditions that it requires to be included in any permit issued pursuant to application no. 02-10535 will adequately protect the minimum stream flow established for the Murphy Gaging Station in the revised Idaho State Water Plan and in water right nos. 02-201, 02-223, and 02-224, and will also protect the “public interest” as contemplated by Idaho Code § 42-203C;

NOW, THEREFORE BE IT RESOLVED that the Board adopts the above-referenced Stipulation and authorizes its chairman or designee, Brian Patton, Board Executive Officer, to execute the Stipulation on behalf of the Board.
DATED this 10th day of May, 2018.

____________________________________
ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST ___________________________________
VINCE ALBERDI, Secretary
Memorandum

To: Idaho Water Resource Board
From: Brian Patton & Neeley Miller, Planning & Project Bureau
Date: April 24, 2019
Re: Financial Status Report

As of March 31, 2019 the IWRB’s available and committed balances are as follows:

Secondary Aquifer Fund:
Committed/earmarked but not disbursed $18,019,974
Uncommitted Balance $5,149,648

Revolving Development Account:
Committed/earmarked but not disbursed $24,324,340
Loan principal outstanding $25,838,435
Uncommitted Balance $1,726,867
Anticipated loanable funds available next 1 year $5,226,867

Water Management Account
Committed/earmarked but not disbursed $653,559
Uncommitted Balance $101,244

Total committed/earmarked but not disbursed $42,997,873
Total loan principal outstanding $25,838,435
Total uncommitted balance $6,977,759

- The committed/earmarked balance in the Water Management Account includes the remainder of the FY 2018 $1M legislative appropriation for the Flood Management Grant Program per HB 712. As grant disbursements are made the balance of this account will be adjusted to reflect those changes.
- On April 8, 2019 the Governor signed HB 285 transferring $21M legislative appropriation to the IWRB’s Water Management Account for the Anderson Reservoir Enlargement and/or MHAFB Water Supply Project ($20 M), the FY 2019 Flood Management Grant Program ($800K) and for the Mid-Snake Water Quality Monitoring and Modeling effort ($200K).
- The remaining uncommitted balance in the Secondary Aquifer Fund includes $4.7 M received to-date from the cigarette tax during the current fiscal year to be budgeted for FY 2020.
- Loan applications that we are tracking include:

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<thead>
<tr>
<th>Potential Applicant</th>
<th>Project</th>
<th>Loan Amount</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Twin Falls Canal Company</td>
<td>Check Structures</td>
<td>$2M</td>
<td>Planning to use BOR WaterSmart for matching dollars</td>
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</table>
Idaho Water Resource Board
Budget and Committed Funds
as of March 31, 2019

SECONDARY AQUIFER PLANNING, MANAGEMENT, & IMPLEMENTATION FUND

**FYE 2018 Cash Balance**  25,684,783.11

**FY 2019 Revenue**

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<tr>
<th>Description</th>
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<tr>
<td>Interest Earned State Treasury</td>
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<td>HB547 - State Recharge &amp; Aquifer Stabilization (SRAS)</td>
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<td>SB1176, Section 4 - Water Sustainability</td>
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<td>Department of Energy Grant ($251K)</td>
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<td>Department of Energy Grant ($2.068M)</td>
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<td><strong>TOTAL FY 2019 REVENUE</strong></td>
<td><strong>10,349,060.12</strong></td>
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**FY 2019 Expenditures**

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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>SRAS Equipment &amp; Supplies - FY 18</td>
<td>(13,530.06)</td>
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<tr>
<td>SRAS Equipment &amp; Supplies - FY 19</td>
<td>(22,178.04)</td>
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<tr>
<td>SRAS Conveyance Costs - FY 18</td>
<td>(4,224,908.87)</td>
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<td>SRAS Conveyance Costs - FY 19</td>
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<td>SRAS Site Monitoring - FY 18</td>
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<td>SRAS Site Monitoring - FY 19</td>
<td>(180,327.88)</td>
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<td>SRAS Regional Monitoring - FY 18</td>
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<td>Water, Civil, &amp; Environmental Inc (CON01290)</td>
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<td>Quadrant Consulting Inc (CON01261)</td>
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<td>Quadrant Consulting Inc (CON01296)</td>
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<td>Quadrant Consulting Inc (CON01337)</td>
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<td>New Sweden Irrigation District (CON01212)</td>
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<td>Big Wood Canal Company (CON01283)</td>
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<td>North Side Canal Company (CON01199)</td>
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<td>North Side Canal Company (CON01331)</td>
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<td>Big Wood Canal Company (Dietrich Drop - CON01281)</td>
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<td>Farmer Friend Irrigation Co Ltd (CON01297)</td>
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<td>The Ferguson Group</td>
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<td>Idaho Water Users Association</td>
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<td>Steve Stuebner - Media Services</td>
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<td>Wrike, Inc &amp; Aquatics Informatics Inc</td>
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<td>Lost Valley Reservoir Company (CON01282)</td>
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<td>WS Hydrology Monitoring - FY 18</td>
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<td>Franklin &amp; Marshall College (CON01266)</td>
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<td>Ralston Hydrologic Services</td>
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<td>University of Arizona</td>
<td>(570.00)</td>
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<td>Misc Costs for Lewiston Study (FedEx, etc.)</td>
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<td>Wood River Model Misc Expenditures (room rentals, refreshments, etc.)</td>
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<td>USGS - 6655 (Treasure Valley Modeling) FY18</td>
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<td>University of Idaho (CON01210, TV Model)</td>
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<td>University of Idaho (CON01273, GIS)</td>
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<tr>
<td>Treasure Valley Model Misc Expenditures</td>
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<td>Brown &amp; Caldwell (CON01320 Treasure Valley Recharge Study)</td>
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<td>Department of Interior - Boise River Feasability Study (FY2018)</td>
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<td>Department of Interior - Boise River Feasability Study (FY2019)</td>
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<td>City of Idaho Falls grant (CON01223)</td>
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<td>NRCS Snow Survey contribution (USDA CON01177)</td>
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<td>Department of Energy Grant expenditures ($251K)</td>
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<td>Department of Energy Grant expenditures (ESPA costs)</td>
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<td>Department of Energy Grant expenditures (Big Lost costs)</td>
<td>(73,479.76)</td>
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<td>PROJECT DESCRIPTION</td>
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<tr>
<td>WEISER BASIN</td>
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<tr>
<td>NORTHERN IDAHO AQUIFERS</td>
<td></td>
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<tr>
<td>STATEWIDE STUDIES &amp; PROJECTS</td>
<td></td>
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<tr>
<td>TREASURE VALLEY</td>
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<tr>
<td>Boise River Study Storage</td>
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<td>WEISER BASIN</td>
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<td>Lewiston Study Phase II.</td>
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## NORTHERN IDAHO AQUIFERS TOTAL

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<th>Amendments</th>
<th>Budget (as amended)</th>
<th>Obligated</th>
<th>Expenditures</th>
<th>Carry forward</th>
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<td>900,000.00</td>
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## TOTAL COMMITTED FUNDS THRU FY 2018

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<th>Expenditures</th>
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<th>Committed</th>
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<tbody>
<tr>
<td>Total Statewide Studies &amp; Projects</td>
<td>13,643,180.79</td>
<td>5,834,000.00</td>
<td>19,528,180.79</td>
<td>(13,714,171.46)</td>
<td>(1,233,340.67)</td>
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<td>5,345,550.00</td>
<td>(613,322.23)</td>
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## FY 2019 BUDGET

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<tr>
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<th>Budget (as amended)</th>
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<td>5,834,000.00</td>
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<td>(13,714,171.46)</td>
<td>(1,233,340.67)</td>
<td>(176,659.33)</td>
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## Adjustments

- **1,335,411.38**

## TOTAL EXPLORATION & HYDROGEOLOGIC MONITORING

<table>
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<tr>
<th>Project Description</th>
<th>Budget (as approved - May 2018)</th>
<th>Amendments</th>
<th>Budget (as amended)</th>
<th>Obligated</th>
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<td>Total Managed Recharge Operations</td>
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<td>Total Statewide Studies &amp; Projects</td>
<td>13,643,180.79</td>
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<td>(13,714,171.46)</td>
<td>(1,233,340.67)</td>
<td>(176,659.33)</td>
<td>50,000.00</td>
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## Project Details

- **TREASURE VALLEY**
  - Treasure Valley Modeling Year 3 of 5 (USGS 0605) 500,000.00
  - Boise River Storage Studies (final payment) 1,000,000.00
  - Southeast Boise Groundwater Management Area Monitoring 100,000.00
  - Treasure Valley Recharge Study (CON01320) 200,000.00
  - Treasure Valley DCMR Water Conservation Study 200,000.00

- **OTHER STATEWIDE STUDIES & PROJECTS**
  - AFRD2 MP29 Site (CON01296) 2,150,000.00
  - AFRD2 MP28 Hydro Plant Tailbay - Big Wood Canal (CON01293) 1,000,000.00
  - South Fork & other small Upper Valley sites 1,000,000.00
  - NRCS Snow Survey contribution USDA 100,000.00
  - Groundwater conservation grants in priority aquifers 200,000.00
  - Administrative expenses (public information, staff training, etc) 80,000.00
  - Cooperative Cloud Seeding Program 600,000.00
  - Irrigation - Injection Wells 550,000.00
  - Regional Monitoring 200,000.00
  - Reservoir for Additional Recharge Projects 500,000.00

## Adjustments

- **9,349,411.38**

## Final Budget Obligated

- **4,343,550.00**
- **5,345,550.00**
- **5,345,550.00**
- **5,345,550.00**
- **5,345,550.00**

## Final Budget (as approved - May 2018)

- **13,643,180.79**
- **5,834,000.00**
- **19,528,180.79**
- **13,714,171.46**
- **811,281.45**
- **4,902,717.88**
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<th>Actual Amount</th>
<th>Over/Under</th>
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<td>CAMAS PRAIRIE</td>
<td>Ground &amp; Surface Water Monitoring</td>
<td>75,000.00</td>
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<td>BIG LOST</td>
<td>Hydrologic Monitoring (DOE - Year 1 of 3 = $1.14M)</td>
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<td>(7,479.76)</td>
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<td>BIG LOST TOTAL</td>
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<td>380,000.00</td>
<td>380,000.00</td>
<td>(7,479.76)</td>
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<td>Water Sustainability Projects</td>
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<td>STATE-WIDE</td>
<td>Aquifer monitoring network enhancements in priority aquifers</td>
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<td>Cloud Seeding Modeling Project, CON01254 (Year 2 of 4, Total $1,470,000)</td>
<td>470,000.00</td>
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<td>(412,052.50)</td>
<td>57,947.50</td>
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<td>Operations Costs for add'l generators &amp; Upper Snake aircraft</td>
<td>425,000.00</td>
<td>425,000.00</td>
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<td>Administrative expenses (public information, staff training, etc)</td>
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<td>60,000.00</td>
<td>(15,154.10)</td>
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<td>Professional Assistance for securing Federal Funding</td>
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<td>(48,154.42)</td>
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<td>(425,000.00)</td>
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<td>505,210.00</td>
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<td>Other Areas or Carry-over</td>
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<td>17,888,760.00</td>
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<td>(965,000.00)</td>
<td>13,117,255.95</td>
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<td>Interest Earned State Treasury (Transferred)</td>
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<td>Transferred to/from Water Management Account</td>
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<td>Series 2000 (Caldwell/New York) Pooled Bond Issuers fees</td>
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<td>Pierce Well Easement</td>
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<td>Transfer from Pristine Springs Sub-Account</td>
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<td>Protest Fees</td>
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<td>Attorney fees for Jughandle LID (Skinner Fawcett)</td>
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<td>Attorney fees for A&amp;S irrigation (Skinner Fawcett)</td>
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<td>Weiser Galloway Study - US Army Corps of Engineers</td>
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<td>Boise River Storage Feasibility Study</td>
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<td>Geotech Environmental (Transducers)</td>
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<td>Priest Lake Improvement Study (16-Mar-16)</td>
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<td>Treasureton Irrigation Ditch Co</td>
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</tbody>
</table>

**Mountain Home AFB Water Sustainability Project (29514)**

| Legislative Appropriation 2014, HB 479 Sec 1 and 2 | $4,000,000.00 |
| JR Simplot - WR Purchase | ($2,500,000.00) |
| LeMoyne Appraisal LLC | ($10,500.00) |
| IWWR WSB Lease Application | ($750.00) |
| Integrated Delivery Solutions - Mark Alpert | ($33,459.16) |
| Brown & Caldwell - Owner's Advisor | ($1,215,296.11) |
| SPF Engineering - WR Transfer | ($118,715.75) |
| Skinner-Fawcett - Bond Counsel | ($3,162.41) |
| Pillsbury, Winthrop, & Shaw - DBO Counsel | ($79,839.30) |
| Project Costs (mailings, travel, teleconference calls) | ($1,759.91) |
| Publishing Costs | ($1,648.16) |
| Water District 02 Assessments | ($2,417.18) |

**Balance for Mountain Home AFB Water Sustainability Project** | $0.00 |

**Galloway Dam & Reservoir Project (29517)**

| Legislative Appropriation 2014, HB 479 Sec 1 and 2 | $2,000,000.00 |
| Galloway Dam & Reservoir Project Costs (HB 479) | ($124,708.08) |

**Balance Galloway Dam & Reservoir Project** | $1,875,291.32 |

**Boise River (Arrowrock Enlargement) Feasibility Study (29518)**

| Legislative Appropriation 2014, HB 479 Sec 1 and 2 | $1,500,000.00 |
| Boise River (Arrowrock Enlargement) Feasibility Study Costs (HB479) | ($1,500,000.00) |

**Balance Boise River (Arrowrock Enlargement) Feasibility Study (HB479)** | $0.00 |

**Island Park Enlargement (29520)**

| Legislative Appropriation 2014, HB 479 Sec 1 and 2 | $2,500,000.00 |
| Island Park Enlargement Costs (HB 479) | ($160,744.68) |

**Balance Island Park Enlargement (HB 479)** | $2,339,255.32 |

**Water Supply Bank Computer Infrastructure (29519)**

| Legislative Appropriation 2014, HB 479 Sec 1 and 2 | $500,000.00 |
| Water Supply Bank Computer Infrastructure Costs (HB 479) | ($497,350.75) |

**Balance Water Supply Bank Computer Infrastructure (HB 479)** | $2,649.25 |

**Cash Balance of Legislative Appropriation 2014, HB 479 Sec 1 and 2** | $4,217,195.89 |

**Minidoka Dam Enlargement/Teton Dam Replacement Studies (29810)**

| Legislative Appropriation 2008, SB1511 Sec 2, Minidoka/Teton Studies | $1,800,000.00 |
| Legislative Appropriation 2008, SB1511 Sec 2, Minidoka Studies Expenditures | ($1,229,460.18) |

**Balance for Minidoka/Teton Dam Replacement Studies** | $570,539.82 |

**Priest Lake Water Management Project (29521)**

| Legislative Appropriation (2018, HB 677 Sec 5) | $2,400,000.00 |
| Legislative Approval (2018, HB 677 Sec 6) | $2,419,580.50 |
| Bonner County Contribution | $106,068.13 |
| Interest Earned State Treasury | $27,314.58 |
| Contract Expenditures - Mott MacDonald (CON01290) | ($290,103.09) |

**Balance for Priest Lake Water Management Project** | $4,662,680.12 |

**Bell Rapids Water Rights Sub-Account** | $0.00 |
Cash Balance Revolving Development Account

**Pristine Springs Project Sub-Account**
- Rental Payments to be Transferred to Secondary Aquifer Fund: $961,675.10
- Loan Interest: $2,368,601.05
- Loan Principal from Magic Valley & North Snake GWD: $5,379,030.89
- Total Pristine Springs Project Revenue to be Transferred: $8,709,307.04
- Total Pristine Springs Project Revenue Transferred to 0129-01: ($5,129,300.00)
- Total Pristine Springs Project Revenue Transferred to 0129: ($2,864,000.00)
- Total Pristine Springs Project Sub-Account Transfers: ($7,993,300.00)

**Cash Balance Pristine Springs Sub-Account**
- Pristine Springs Committed Funds Loan Payments to be transferred to 0129: $716,007.04
- Total COMMITTED FUNDS: $716,007.04

**Uncommitted Pristine Springs Sub-Account**
- Total COMMITTED FUNDS: $0.00

**Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account**
- Pristine Springs Hydropower and Rental Revenues: $271,672.34
- Interest Earned State Treasury: $573.11
- Total Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account Revenue: $272,245.45

**Spokane River Forum**
- Total Expenditures: ($18,000.00)
- Total Revenue: ($500.00)
- Total Expenditures: ($20,000.00)
- Total Revenue: ($70,000.00)
- Total Revenue: ($10,000.00)
- Total Revenue: ($18,000.00)

**Cash Balance Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account**
- Total COMMITTED FUNDS: $153,745.45

**Upper Salmon/CBWTP Sub-Account**
- Water Transaction Projects Payment Advances from CBWTP/Accord: $5,836,949.88
- PCSRFF Funds for Admin of Non-Diversion Easements on Lemhi River: $222,457.16
- Interest Earned State Treasury: $233,797.04
- Total Revenue: $6,293,204.08
- Transfer to Water Supply Bank: ($107,877.30)
- Change of Ownership: ($500.00)
- Appraisals/Closing Costs: ($13,366.48)
- Total Revenue: ($1,889,619.74)
- Total Revenue: ($1,991,482.52)

**Cash Balance CBWTP Sub-Account**
- Total COMMITTED FUNDS: $4,301,721.56

For a detailed list of funds and accounts, refer to the table provided in the document.
Pole Creek (Salmon Falls Land) .................................................. $640,552.57
Pratt Creek (Mulkey) ................................................................. $82,209.89
Spring Creek (Richard Beard) ................................................... $2,576.35
Spring Creek (Ella Beard) .......................................................... $3,775.81
Whitney (Leadore Land Partners) ................................................ $147,479.89
Total Committed Funds ................................................................ $5,070,143.80
Uncommitted CBWTP Sub-Account Balance ................................... ($788,422.04)

Water Supply Bank Sub-Account
Interest Earned State Treasury ................................................... $19,638.19
Payments received from renters ................................................ $3,852,324.34
Payments made to owners ....................................................... ($3,480,132.05)
Cash Balance Water Supply Bank Sub-Account ............................... $391,830.46
Uncommitted Dworshak Hydropower Project Sub-Account Balance .... $19,638.19

Eastern Snake Plain Sub-Account
Cash Balance Eastern Snake Plain Sub-Account ................................ $13,755,918.88

Uncommitted Water Supply Bank Sub-Account Balance .................... $19,638.19

Loans and Other Commitments
Commitment - Additional recharge projects preliminary development .... $337,594.00
Commitment - Palisades Storage O&M ........................................... $10,000.00
Commitment - Black Canyon Exchange Project (fund with ongoing revenue) $442,252.95
Total Loans and Other Commitments ........................................... $789,846.95

Eastern Snake Plain Sub-Account Balance after Commitments .............. $935,346.30
Uncommitted Eastern Snake Plain Sub-Account Balance ........................ $805,763.23

Dworshak Hydropower Project
Power Sales & Other ................................................................. $1,071,310.73
Interest Earned State Treasury .................................................. $700,807.61
Total Dworshak Project Revenue ................................................ $10,872,118.34

To 1st Security Trustee Account ................................................ $148,542.83
Construction not paid through bond issuance ................................ $226,106.83
1st Security Fees ........................................................................ $314,443.35
Operations & Maintenance ....................................................... $2,834,585.42
Powerplant Repairs ................................................................. $180,409.72
Bond payoff .............................................................................. $339,883.11
Capital Improvements ............................................................. $318,385.79
FERC Payments ....................................................................... $118,290.56
Total Dworshak Project Expenditures ........................................... ($4,532,668.41)

Cash Balance Dworshah Hydropower Project ................................. $6,339,509.93

Dworshak Project Committed Funds.............................................. $1,687,088.00
FERC Fee Payment Fund .......................................................... $5,973.89
Total Dworshak Project Committed Funds .................................... $1,693,061.89

Uncommitted Dworshak Hydropower Project Sub-Account Balance .... 4,646,448.04
TOTAL ......................................................................................... $28,348,807.79

Loans Outstanding:
A&B Irrigation District (Pipeline & Pumping Plant, Dec) ....................... $3,500,000.00
A&B Irrigation District (Pipeline & Pumping Plant, Sept) ..................... $3,500,000.00
Aberdeen-Springfield Canal Company (WRB-491; Diversion structure) .... $329,761.00
Bee Line Water Association (Sep 23, 2014; System Improvements) ........ $600,000.00
Canyon County Drainage District No. 2 (28-Nov-12; Drain tile pipeline replacment) $350,000.00
Chaparral Water Association (21-Jan-11; Well deepening & improvement) $68,000.00
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<th>Company Name</th>
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<th>Interest Due</th>
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<td>Consolidated Irrigation Company (July 20, 2012; Pipeline project)</td>
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<td>Dalton Water Association</td>
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<td>Goose Lake Reservoir Corp</td>
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<td>Idaho Ground Water Appropriators (IGWA)</td>
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<td>Lava Hot Springs, City of</td>
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<td>Lindsay Lateral Association (Engineering Design Project &amp; Pipeline Study)</td>
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<td>Marsh Center Irrigation Company (13-May-05; Hawkins Dam)</td>
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<td>Marysville Irrigation Company (9-May-08, Pipeline Project Phase 2)</td>
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<td>North Side Canal Company (Phase 2 &amp; 3 - canal rehab project)</td>
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<td>Outlet Water Association (22-Jan-16; new well &amp; improvements)</td>
<td>$100,000.00</td>
<td>$86,314.02</td>
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<td>Pinehurst Water District (23-Jan-15)</td>
<td>$100,000.00</td>
<td>$57,008.60</td>
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<tr>
<td>Point Springs Grazing Association (July 20, 2012; stock water pipeline)</td>
<td>$48,280.00</td>
<td>$27,132.57</td>
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<tr>
<td>Producers Irrigation Company</td>
<td>$102,127.50</td>
<td>$37,785.38</td>
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<td>Skin Creek Water Association</td>
<td>$188,258.00</td>
<td>$12,507.67</td>
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<tr>
<td>St. Johns Irrigating Company (14-July-2015; pipeline project)</td>
<td>$1,417,905.22</td>
<td>$1,297,911.08</td>
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<tr>
<td>Sunset Heights Water District (17-May-13; Exchange water project)</td>
<td>$48,000.00</td>
<td>$15,458.41</td>
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<tr>
<td>Twin Lakes Canal Company (Winder Lateral Pipeline Project)</td>
<td>$907,552.00</td>
<td>$168,758.73</td>
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<tr>
<td>Valley County Local Improvement District No. 1/Jughandle HOA (well project)</td>
<td>$907,552.00</td>
<td>$514,423.20</td>
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<tr>
<td><strong>TOTAL LOANS OUTSTANDING</strong></td>
<td><strong>21,087,882.84</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Loans and Other Funding Obligations:**
- Senate Bill 1511 - Teton Replacement and Minidoka Enlargement Studies | $678,161.82
- Weiser-Galloway Study (28-May-10) | $451,520.87
- Monument Ridge Ranch Subdivision HOA | $300,000.00
- North Fremont Canal Company | $4,300,000.00
| **TOTAL LOANS AND OTHER FUNDING OBLIGATIONS** | **$5,739,782.69**
| **Uncommitted Funds** | **$1,521,142.26**
| **TOTAL** | **$28,348,807.79**

(1) Actual amount needed may vary depending on final determination of water actually purchased and interest income received.
Idaho Water Resource Board  
Sources and Applications of Funds  
as of March 31, 2019  

WATER MANAGEMENT ACCOUNT

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Appropriation (1978)</td>
<td>1,000,000.00</td>
</tr>
<tr>
<td>Transfer funds to General Account 1101(HB 130, 1983)</td>
<td>(500,000.00)</td>
</tr>
<tr>
<td>Legislative Appropriation (6/29/1984)</td>
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<tr>
<td>Legislative Appropriation (HB988, 1994)</td>
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<tr>
<td>Reverted to General Account 6/30/95, (HB988, 1994)</td>
<td>(35,014.25)</td>
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<tr>
<td>Legislative Appropriation (SB1260, 1995, Aquifer Recharge, Caribou Dam)</td>
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<tr>
<td>Interest Earned</td>
<td>120,475.04</td>
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<tr>
<td>Filing Fee Balance</td>
<td>2,633.31</td>
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<tr>
<td>Water Supply Bank Receipts</td>
<td>841,803.07</td>
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<tr>
<td>Bond Fees</td>
<td>277,254.94</td>
</tr>
<tr>
<td>Funds from DEQ and IDOC for Glenns Ferry Water Study</td>
<td>10,000.00</td>
</tr>
<tr>
<td>Legislative Appropriation (SB1239, 2001)</td>
<td>200,000.00</td>
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<tr>
<td>Legislative Appropriation (SB1239, 2001, Sugarloaf Aquifer Recharge Project)</td>
<td>60,000.00</td>
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<tr>
<td>Reverted to General Fund 1/22/19, (SB1239, 2001, Sugarloaf Aquifer Recharge Project)</td>
<td>(4,046.31)</td>
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<tr>
<td>Legislative Appropriation (HB 843 Sec 6, 2004, ESPA Settlement Water Rentals)</td>
<td>520,000.00</td>
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<tr>
<td>Legislative Appropriation (SB1496, 2006, ESP Aquifer Management Plan)</td>
<td>300,000.00</td>
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<tr>
<td>Legislative Appropriation (HB 320, 2007, ESP Aquifer Management Plan)</td>
<td>849,936.99</td>
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<tr>
<td>Legislative Appropriation (HB 712, Sec 1, 2018, Flood Management Program)</td>
<td>1,000,000.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>5,833,842.79</strong></td>
</tr>
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IWRB Expenditures

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lemhi River Water Right Appraisals</td>
<td>(31,000.00)</td>
</tr>
<tr>
<td>Legislative Audits</td>
<td>(10,645.45)</td>
</tr>
<tr>
<td>IWRB Appraisal Study (Charles Thompson)</td>
<td>(5,000.00)</td>
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<tr>
<td>Western States Water Council Annual Dues</td>
<td>(7,500.00)</td>
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<tr>
<td>Transfer to/from Revolving Development Account</td>
<td>(317,253.80)</td>
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<tr>
<td>Recharge Projects</td>
<td>(11,426.88)</td>
</tr>
<tr>
<td>Grants Disbursed</td>
<td>(1,632,755.21)</td>
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<tr>
<td>Grants Disbursed for Leg Approp (HB 712, Sec 1, 2018, Flood Mgmt Pg)</td>
<td>(362,441.29)</td>
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</tbody>
</table>

Expenditures Directed by Legislature

| Obligated 1994 (HB988)                                                      | (39,985.75) |
| SB1260, Aquifer Recharge                                                    | (947,000.00) |
| SB1260, Soda (Caribou) Dam Study                                            | (53,000.00)  |
| Sugarloaf Aquifer Recharge Project (SB1239, 2001)                           | (55,953.69)  |
| ESPA Settlement Water Rentals (HB 843, 2004)                                | (504,000.00) |
| ESP Aquifer Management Plan (SB1496, 2006)                                  | (300,000.00) |
| ESP Aquifer Management Plan (HB320, 2007)                                   | (801,077.75) |
| **TOTAL IWRB AND LEGISLATIVE DIRECTED EXPENDITURES**                         | **(5,079,039.82)** |

CURRENT ACCOUNT BALANCE                                                      **754,802.97**

Committed Funds:

**Flood Management Program grants (HB712, Sec 1, 2018)**

<table>
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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Flood Control District 9</td>
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<tr>
<td>Blaine County</td>
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<td>Cassia County</td>
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<td>Flood Control District 10</td>
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<td>Flood Control District 10</td>
<td>$38,808.00</td>
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<td>Clearwater Soil &amp; Water Conservation Dist</td>
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<tr>
<td>Flood Control District 10</td>
<td>$22,000.00</td>
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<tr>
<td>Flood Control District 11</td>
<td>$57,675.00</td>
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<tr>
<td>Twin Lakes/Flood Control Dist 17</td>
<td>$0.00</td>
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<tr>
<td>Twin Falls Canal Company</td>
<td>$21,335.00</td>
</tr>
<tr>
<td>Nez Perce Soil &amp; Water Conservation Dist</td>
<td>$115,460.00</td>
</tr>
<tr>
<td>Riverside Village HOA</td>
<td>$0.00</td>
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<tr>
<td>City of Pocatello</td>
<td>$26,105.00</td>
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<tr>
<td>Balance Flood Management Program grants</td>
<td>$637,559.09</td>
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Legislative Directed Obligations

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>ESPA Settlement Water Rentals (HB 843, 2004)</td>
<td>$16,000.00</td>
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<tr>
<td><strong>TOTAL GRANTS &amp; LOANS OBLIGATED &amp; UNDISBURSED</strong></td>
<td><strong>653,559.09</strong></td>
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</table>

Uncommitted Funds                                                            **101,243.88**

CURRENT ACCOUNT BALANCE                                                      **754,802.97**
Memorandum

To: Idaho Water Resource Board (IWRB)
From: Neeley Miller
Date: April 24, 2019
Re: Proposed Secondary Aquifer Planning, Management & Implementation Fund – FY 2020 Budget

REQUIRED ACTION: Adopt FY 2020 Budget

At the April 23, 2019 Finance Committee meeting the FY 2020 budgeting process for the Secondary Aquifer Planning, Management & Implementation Fund (Secondary Aquifer Fund) was discussed. The Finance Committee made a recommendation to the IWRB to adopt the attached budget. Staff will highlight the priorities included in the budget.

Attachment(s):
1) Secondary Aquifer Funding Resolution
2) Attachment A: Proposed Secondary Aquifer Fund – FY 2020 Budget
WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates $5 million annually through 2019 from the Cigarette Tax to the Idaho Water Resource Board’s (IWRB) Secondary Aquifer Planning, Management, and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and

WHEREAS, House Bill 256 passed and approved by the 2019 Legislature allocated $5 million in ongoing General Fund dollars to the IWRB’s Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization; and

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

WHEREAS, un-allocated funds already in the Secondary Aquifer Fund will be carried forward into the Fiscal Year 2020 budget; and

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

WHEREAS, the State of Idaho relies on spring discharge from the Eastern Snake Plain Aquifer (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, the 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, during parts of 2013 and 2014 flows at the Murphy Gage approached the minimum flow, and in 2015 flows at the Murphy Gage went below minimum flows; and
WHEREAS, the ESPA experienced conjunctive administration water use conflicts over the past two decades that had 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 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, in 2018 the cities on the ESPA entered into an agreement with the Surface Water Coalition and the Idaho Ground Water Appropriators whereby the cities agreed to enhance the ESPA by an average of 7,650 acre-feet annually; and

WHEREAS, the 2019 Idaho Legislature passed and approved House Concurrent Resolution 10 supporting this agreement; and

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

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

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

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

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

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

WHEREAS, the Department of Water Resources recently enacted Ground Water Management Areas in the Malad Valley Aquifer and the Lewiston Plateau Aquifer in response to declining ground water levels in those aquifers; and
WHEREAS, ground water levels in many aquifers are inadequate to sustain a supply of water for surface and ground water irrigation, hydropower, municipal, industrial, and other uses, the curtailment of which would cause severe economic harm to Idaho’s economy; and

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

WHEREAS, on April 23, 2019 the IWRB Finance Committee met in Jerome, Idaho, and recommended the approval of a Fiscal Year 2020 Budget for the use of available funds in the Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization purposes; and

NOW THEREFORE BE IT RESOLVED that the IWRB adopts the Fiscal Year 2020 Budget for the continuously-appropriated Secondary Aquifer Planning, Management, and Implementation Fund as shown in Attachment A to this resolution.

BE IT FURTHER RESOLVED that the budget may be adjusted if necessary based on the actual amount of Cigarette Tax funds received, interest income received, amount received from the Idaho National laboratory, or the actual amount of carry-over from Fiscal Year 2019.

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

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

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

BE IT FURTHER RESOLVED that expenditures for the Treasure Valley Ground Water Model, for the Aquifer Monitoring Network Enhancements in Priority Aquifers, and Assistance with Federal Issues, hydrological monitoring hardware and software, ground and surface water monitoring on the Camas Prairie, and Administrative Expenses may proceed with no further approvals, however, the IWRB shall be kept apprised of such expenditures.
BE IT FURTHER RESOLVED that expenditures for the Operations and Maintenance costs for the Cooperative Cloud Seeding Program and the Cloud Seeding Modeling Project may proceed with no further approvals, however, the IWRB shall be kept apprised of such expenditures. Further, it is the IWRB’s stated goal that both the state and the water users financially participate with Idaho Power in the Cooperative Cloud Seeding Program.

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

BE IT FURTHER RESOLVED that the IWRB may modify this budget during Fiscal Year 2020 at a properly noticed meeting of the IWRB.

DATED this 10th day of May, 2019

______________________________
ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST______________________________
VINCE ALBERDI, Secretary
ATTACHMENT A - Fiscal Year 2020 Secondary Aquifer Planning, Management and Implementation Fund Budget

PROPOSED FY2020 BUDGET FOR THE SECONDARY AQUIFER FUND

Carry-Over From FY19 $4,000,000

General Fund (HB 677): $5,000,000

HB547 funds - receipt of Cigarette Tax proceeds $5,000,000

DOE-INL SEP Funds ($2.068 M over 3 years) $690,000

Estimated interest $500,000

**TOTAL** $15,190,000

**BUDGET TRACKING**

<table>
<thead>
<tr>
<th>Category</th>
<th>Sub-Category</th>
<th>FY20 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ESPA MANAGED RECHARGE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ESPA Recharge Operations</strong></td>
<td>Conveyance Cost</td>
<td>$3,500,000</td>
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<tr>
<td></td>
<td>Equipment &amp; Supplies</td>
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<tr>
<td></td>
<td>Recharge Monitoring</td>
<td>$540,950</td>
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<tr>
<td></td>
<td>Regional Monitoring</td>
<td>$200,000</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>$4,433,830</strong></td>
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<tr>
<td><strong>ESPA Managed Recharge Infrastructure Projects</strong></td>
<td>Northside Eden Projects</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td>Large Upper Valley Investigations</td>
<td>$500,000</td>
</tr>
<tr>
<td></td>
<td>Small Upper Valley Sites</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td>A&amp;B Injection Wells</td>
<td>$550,000</td>
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<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>$4,550,000</strong></td>
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<tr>
<td></td>
<td>Reserved for additional investigations and engineering</td>
<td>$300,000</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>$500,000</strong></td>
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<tr>
<td><strong>ESPA Hydrologic Monitoring (DOE Funding) (Year 2 of 3 - Total $928,000)</strong></td>
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<td>$310,000</td>
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**ESPA MANAGED RECHARGE TOTAL** $9,793,830
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<thead>
<tr>
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<th>Project Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>TREASURE VALLEY</td>
<td>Treasure Valley Aquifer Ground Water Model (Year 4 of 5 - Total $2.5 M)</td>
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<tr>
<td></td>
<td>Treasure Valley DCMI Water Conservation Study</td>
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<td></td>
<td><strong>TREASURE VALLEY TOTAL</strong></td>
<td><strong>$700,000</strong></td>
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<tr>
<td>CAMAS PRAIRIE</td>
<td>Ground &amp; Surface Water Monitoring</td>
<td>$15,000</td>
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<td><strong>CAMAS PRAIRIE TOTAL</strong></td>
<td><strong>$15,000</strong></td>
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<tr>
<td>BIG LOST TOTAL</td>
<td>Hydrologic Monitoring (DOE Funding) (Year 2 of 3 - Total $1.14 M)</td>
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<tr>
<td></td>
<td><strong>BIG LOST TOTAL</strong></td>
<td><strong>$380,000</strong></td>
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<tr>
<td>PALOUSE BASIN</td>
<td>Water Sustainability Projects</td>
<td>$100,000</td>
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<td></td>
<td><strong>PALOUSE TOTAL</strong></td>
<td><strong>$100,000</strong></td>
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<tr>
<td>BEAR RIVER BASIN</td>
<td>Tri-State Water Sustainability Initiative</td>
<td>$100,000</td>
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<td></td>
<td><strong>BEAR RIVER BASIN TOTAL</strong></td>
<td><strong>$100,000</strong></td>
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<tr>
<td>COOPERATIVE CLOUD SEEDING PROGRAM</td>
<td>Operations &amp; Maintenance Costs (Board portion 1/3 of annual cost for O &amp; M)</td>
<td>$1,170,000</td>
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<tr>
<td></td>
<td>Cloud Seeding Modeling Project (Year 3 of 4 - Total $1.47 Million)</td>
<td>$231,000</td>
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<tr>
<td></td>
<td>Capital Expenses (HPC - Year 1 of 2, $700,000 IWRB Total)</td>
<td>$500,000</td>
</tr>
<tr>
<td></td>
<td>Program Development Activities</td>
<td>$200,000</td>
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<tr>
<td></td>
<td><strong>COOPERATIVE CLOUD SEEDING PROGRAM TOTAL</strong></td>
<td><strong>$2,101,000</strong></td>
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### STATEWIDE

<table>
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<tr>
<th>Description</th>
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</tr>
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<tbody>
<tr>
<td>Administrative expenses (public information, staff training, etc)</td>
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<tr>
<td>Hydrological monitoring hardware and software</td>
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<tr>
<td>Professional Assistance for securing Federal Funding</td>
<td>$100,000</td>
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<td>Aquifer monitoring network enhancement in priority aquifers</td>
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<tr>
<td>Northern Idaho</td>
<td>$125,000</td>
</tr>
<tr>
<td>Southern Idaho (non-ESPA)</td>
<td>$125,000</td>
</tr>
<tr>
<td><strong>STATEWIDE TOTAL</strong></td>
<td><strong>$445,000</strong></td>
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### RESERVE FOR WORK IN OTHER PRIORITY AREAS OR CARRY-FORWARD INTO FUTURE YEARS

<table>
<thead>
<tr>
<th>Amount</th>
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<tr>
<td>$1,555,170</td>
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### GRAND TOTAL

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<tbody>
<tr>
<td>$15,190,000</td>
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</tbody>
</table>

* Items that will require an additional Board resolution to authorize expenditure of funds
Memorandum

To: Idaho Water Resource Board
From: Remington Buyer
Date: May 1, 2019
Re: Rental Pools

REQUIRED ACTIONS: The Board may reappoint local committees for the Upper Snake River, Boise River, Payette River, Lake Fork and Lemhi River Basin Rental Pools;

The Board may approve amended procedures for the Upper Snake River Rental Pool.

The Idaho Water Resource Board (IWRB; Board) is responsible for operation of the Water Supply Bank, inclusive of regional rental pools. Included with this memo are rental pool specific reports, memos, letters and resolutions for consideration by the Board.

The 2018 Rental Pools Report is provided. No action is required on this item.

Written reappointment request materials submitted by rental pool local committees are provided, as are five draft reappointment resolutions. The Board may by resolution reappoint each of the local committees for the five rental pools. **Action is required for these items.**

Finally, a redlined version of the recently amended Upper Snake River Rental Pool procedures are provided, along with a Departmental review memo summarizing key aspects of the adopted, amended procedures. Two letters providing comments about the amended procedures are also included for the Board’s review. The Board may approve the amended procedures; the resolution to reappoint the Water District 1 Advisory Committee as the Upper Snake River Rental Pool local committee includes a provision that provides for IWRB approval of the amended, Upper Snake River Rental Pool procedures. **An action is required on this item.**
Introduction

The Water Supply Bank is a water exchange market operated by the Idaho Water Resource Board (IWRB; Board), through the Director of the Idaho Department of Water Resources (IDWR), in association with IWRB-appointed local rental committees, to facilitate the acquisition (lease) and exchange (rental) of water use authorizations, to accommodate new and supplemental water uses in Idaho. The Bank is operated pursuant to sections 42-1761 through 42-1766 of Idaho Code, and governed by Board-adopted rules (IDAPA 37.02.03).

If an individual is entitled to use water under a water right in Idaho, and they will forego their water use during a given year, their unexercised water usage can be credited to the Bank through a lease to either the Board’s water supply bank or a regional rental pool. Leased water use authorizations form a water supply from which new and supplemental water uses can be authorized as rentals from the Bank. IDWR staff facilitate the statewide lease and rental of water rights through the Board’s water supply bank, while IWRB-appointed local committees facilitate the lease and rental of water use authorizations via water-source specific regional rental pools.

Storage water rental pools exist to facilitate the lease and rental of water from reservoirs located on the Upper Snake, Boise and Payette Rivers, as well as reservoirs within the Lake Fork Creek basin. A natural flow rental pool has been established to facilitate one-year leases and rentals of water rights within the Lemhi River basin. Additionally, the Shoshone-Bannock Tribes operate a Tribal Water Supply Bank to lease and rent Tribal storage water use authorizations from Palisades and American Falls reservoirs in the Upper Snake River basin. This report summarizes 2018 lease and rental transactions reported by IWRB-appointed local committees for the Upper Snake River, Boise River, Payette River, Lake Fork Creek and Lemhi River rental pools.

2018 Activity Summary

A sum total of 646,635.2 acre-feet (AF) of stored water was leased to storage water rental pools during 2018, from which 603,625.3 AF (94%) was rented for new and supplemental water uses. A total of 94 rental requests were processed by rental pool local committees. The United States Bureau of Reclamation (USBOR) rented 409,351 AF (63%) of leased storage water during 2018, to satisfy annual flow augmentation commitments. A sum total of $9,973,085.97 was exchanged through rental pool transactions, of which $8,325,619.55 went to lessors, $819,466.49 went to local water districts and $827,999.93 was retained by the IWRB.
Upper Snake River Rental Pool

The Upper Snake River Rental Pool is comprised of storage water from Henrys Lake, Island Park, Grassy Lake, Jackson Lake, Palisades Reservoir, Ririe Reservoir, American Falls Reservoir, Lake Walcott and the Milner Pool Reservoir. The total storage contents of these reservoirs is 4,172,708 AF, of which 9.8% (410,311.2 AF) was leased and rented during 2018. The Water District 01 Advisory Committee (also known as the Committee of Nine) is the IWRB-appointed local committee authorized to facilitate Upper Snake River Rental Pool transactions.

The Upper Snake River Rental Pool procedures provide for three “common pools”, which allow for storage water rentals at pre-established rental rates, as well as two “private pools”, which allow for storage water rentals at negotiated rental rates. The three common pools are: a USBOR flow-augmentation pool; a small pool (for rentals less than 100 AF); and a large pool (for rentals greater than 100 AF). The two private pools are: a “supplemental pool” (for hydropower rentals); and, a private pool for all other privately-negotiated rentals. The table below summarizes volumes and financial payments associated with Upper Snake River Rental Pool transactions during 2018:

<table>
<thead>
<tr>
<th>Rental Pool</th>
<th>Storage Water Leased</th>
<th>Storage Water Rented</th>
<th>Rental Price ($/AF)</th>
<th>Lessor Rental Income</th>
<th>IWRB Revenue (10% of Rental Rate)</th>
<th>Water District Admin Fee</th>
<th>Water District Rental Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Common Pools</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USBOR Pool</td>
<td>205,000</td>
<td>205,000</td>
<td>$17/AF</td>
<td>$3,485,000.00</td>
<td>$348,500.00</td>
<td>$1.30/AF</td>
<td>$266,500.00</td>
</tr>
<tr>
<td>Large Pool</td>
<td>5,380</td>
<td>5,380</td>
<td>$7/AF</td>
<td>$37,660.00</td>
<td>$3,766.00</td>
<td>$1.30/AF</td>
<td>$6,994.00</td>
</tr>
<tr>
<td>Small Pool</td>
<td>317</td>
<td>317</td>
<td>$7/AF</td>
<td>$2,219.00</td>
<td>$221.90</td>
<td>$1.30/AF</td>
<td>$412.10</td>
</tr>
<tr>
<td><strong>Private Pools</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplemental Pool</td>
<td>70,000</td>
<td>70,000</td>
<td>$30.18/AF</td>
<td>$2,112,600.00</td>
<td>$211,400.00</td>
<td>$1.80/AF</td>
<td>$126,000.00</td>
</tr>
<tr>
<td>Private Pool</td>
<td>129,614.2</td>
<td>129,614.2</td>
<td>Variable</td>
<td>$1,789,024.60</td>
<td>$178,902.46</td>
<td>$1.30/AF</td>
<td>$168,498.46</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>410,311.2</td>
<td>410,311.2</td>
<td></td>
<td>$7,426,503.60</td>
<td>$742,790.36</td>
<td></td>
<td>$568,404.56</td>
</tr>
</tbody>
</table>

*Table 1 - Upper Snake River Rental Pool Transactions during 2018*
Boise River Rental Pool

The Boise River Rental Pool consists of storage water from Anderson Ranch, Arrowrock, Lucky Peak and Lake Lowell reservoirs. The total storage contents of these four reservoirs is 1,109,065 AF, of which 5.8 % (65,016 AF) was leased and rented through the Boise River Rental Pool during 2018. The Water District 63 Advisory Committee is the IWRB-appointed local committee authorized to facilitate Boise River Rental Pool transactions.

Per Boise River Rental Pool procedures, common pools exist for in basin and out of basin rentals at pre-established rental rates, while privately-negotiated rentals are permissible at variable rental rates. The table below summarizes volumes and financial payments associated with Boise River Rental Pool transactions during 2018:

<table>
<thead>
<tr>
<th>Rental Pool</th>
<th>Storage Water Leased</th>
<th>Storage Water Rented</th>
<th>Rental Price ($/AF)</th>
<th>Lessor Rental Revenue</th>
<th>IWRB Revenue (10% of Rental Rate)</th>
<th>Water District Admin Fee</th>
<th>Water District Rental Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Basin Pool</td>
<td>3,330</td>
<td>3,330</td>
<td>$17/AF</td>
<td>$56,610.00</td>
<td>$5,661.00</td>
<td>$1.30/AF</td>
<td>$4,329.00</td>
</tr>
<tr>
<td>Out of Basin Pool</td>
<td>20,754</td>
<td>20,754</td>
<td>$17/AF</td>
<td>$352,818.00</td>
<td>$35,281.80</td>
<td>$1.30/AF</td>
<td>$26,980.20</td>
</tr>
<tr>
<td>Private Pool</td>
<td>40,932</td>
<td>40,932</td>
<td>$0/AF</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$1.30/AF</td>
<td>$53,211.60</td>
</tr>
<tr>
<td>Totals</td>
<td>65,016</td>
<td>65,016</td>
<td>$409,428.00</td>
<td>$40,942.80</td>
<td>$84,520.80</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Table 2 - Boise River Rental Pool Transactions during 2018*

Note: a single private lease-rental occurred during 2018, by the US Bureau of Reclamation, to itself, for which no rental price was established and thus no rental payment was collected by the Board.
Payette River Rental Pool

The Payette River Rental Pool consists of storage water from Cascade and Deadwood reservoirs. The total storage contents of these two reservoirs is 800,452 AF, of which 21.4 % (171,000 AF) was leased to the rental pool during 2018, and from which 16 % (127,990 AF) was rented during 2018. The Water District 65 Advisory Committee is the IWRB-appointed local committee authorized to facilitate Payette River Rental Pool transactions.

Per Payette River Rental Pool procedures, common pools exist for in basin and out of basin rentals at pre-established rental rates, while privately-negotiated rentals are permissible at variable rental rates. The table below summarizes volumes and financial payments associated with Payette River Rental Pool transactions during 2018:

<table>
<thead>
<tr>
<th>Rental Pool</th>
<th>Storage Water Leased</th>
<th>Storage Water Rented</th>
<th>Rental Price ($/AF)</th>
<th>Lessor Rental Revenue</th>
<th>IWRB Revenue (10% of Rental Rate)</th>
<th>Water District Admin Fee</th>
<th>Water District Rental Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Basin Pool</td>
<td>4,988.1</td>
<td>4,988.1</td>
<td>$2/AF</td>
<td>$9,976.20</td>
<td>$997.62</td>
<td>$1.30/AF</td>
<td>$6,484.53</td>
</tr>
<tr>
<td>Out of Basin Pool</td>
<td>68,211.9</td>
<td>25,202</td>
<td>$17/AF</td>
<td>$428,434.00</td>
<td>$42,843.40</td>
<td>$1.30/AF</td>
<td>$32,762.60</td>
</tr>
<tr>
<td>Private Pool</td>
<td>97,800</td>
<td>97,800</td>
<td>Variable</td>
<td>$47,600.00</td>
<td>$0.00</td>
<td>$1.30/AF</td>
<td>$127,140.00</td>
</tr>
<tr>
<td>Totals</td>
<td>171,000</td>
<td>127,990</td>
<td></td>
<td>$486,010.20</td>
<td>$43,841.02</td>
<td></td>
<td>$166,387.13</td>
</tr>
</tbody>
</table>

Table 3 - Payette River Rental Pool Transactions during 2018

Two private rentals occurred during 2018: the US Bureau of Reclamation leased and rented to itself 95,000 AF of water from uncontracted storage space, at a rental price of $0/AF, from which no rental payment was collected by the Board; and the Board itself rented 2,800 AF of water from Black Canyon Irrigation District, at the out-of-basin rental price of $17/AF, from which no Board payment was levied. Water District admin fees were levied on both private rentals.
Lake Fork Rental Pool
The Lake Fork Rental Pool consists of storage water from Little Payette Lake, Browns Pond and Cruickshank reservoirs, which combined authorize storage of up to 24,840 AF of water. A total of 1.3 % (308 AF) was leased and rented during 2018. The Water District 65K Advisory Committee is the IWRB-appointed local committee authorized to facilitate Lake Fork Rental Pool transactions.

Per Lake Fork Rental Pool procedures, in basin rentals (rentals upstream of the mouth of Lake Fork Creek) are permissible. The table below summarizes volumes and financial payments associated with Lake Fork Creek storage water transactions during 2018:

<table>
<thead>
<tr>
<th>Rental Pool</th>
<th>Storage Water Leased</th>
<th>Storage Water Rented</th>
<th>Rental Price ($/AF)</th>
<th>Lessor Rental Revenue</th>
<th>IWRB Revenue (10% of Rental Rate)</th>
<th>Water District Admin Fee</th>
<th>Water District Rental Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Basin Pool</td>
<td>308</td>
<td>308</td>
<td>$11.94/AF</td>
<td>$3,677.75</td>
<td>$425.75</td>
<td>$0.50/AF</td>
<td>$154.00</td>
</tr>
</tbody>
</table>

*Table 4 - Lake Fork Creek Rental Pool Transactions during 2018*

Lemhi River Rental Pool
The advisory committee for Water District 74 (Lemhi River) is the IWRB-appointed local committee authorized to facilitate one-year leases and rentals of Lemhi River water rights. No rental pool leases or rentals were reported for 2018.
March 6, 2019

Idaho Water Resources Board
Attn: Remington Buyer, Water Supply Bank Coordinator
PO Box 83720
Boise, ID 83720-0098

RE: Reappointment by the Idaho Water Resource Board as a Rental Pool Local Committee

Dear Idaho Water Resources Board,

The Water District 01 Advisory Committee is requesting the Idaho Water Resources Board to extend the appointment of the Water District 01 Advisory Committee as the rental pool local committee for the Upper Snake River reservoir system pursuant to Idaho Code 42-1765 and Water Supply Bank Rule 40 (IDAPA 37.02.03.40).

The 2019 Water District 01 Rental Pool Procedures are contained in the district’s Resolution 21 approved at the March 5, 2019 Water District 01 Annual Meeting. The procedures along with some general lease and rental forms are enclosed for your review.

Sincerely,

Rod Dalling
Chairman
Committee of Nine
Water District 01 Advisory Committee
WATER DISTRICT #1 RENTAL POOL
APPLICATION TO RENT WATER FROM THE COMMON POOL SUPPLY

________________________________________ (applicant) hereby requests to rent _______ (acre-feet) of storage from the Water District #1 Rental Pool with the enclosed rental fees of $_______ for the irrigation season 20____. The acceptance and approval of this rental request by the Water District #1 Watermaster is subject to the adopted Water District #1 Rental Pool Procedures pursuant to Idaho Code Section 42-1765.

Description of Point of Diversion:

Name of River or Stream from which rental is diverted: __________________________________________________________
Canal or Pump Name & location: __________________________________________________________
Place of Use description: __________________________________________________________

Applicant Signature and Address:

Print Name: __________________________________________________________________________
Signature: __________________________________________________________________________
Address: __________________________________________________________________________

If applicant is not a spaceholder and is applying to rent 100 ac-ft or less, pursuant to Rule 5.2.104, the applicant must submit written consent from the operator of the point of diversion listed on the application.

Operator Name and Title: __________________________________________________________
Operator Consent Signature: __________________________________________________________

NOTICE: Applicants that are not spaceholders will be billed for an additional impact fee in the year following the approval of this application if the rental causes impacts to spaceholders in excess of the rental fees paid with this application, pursuant to Rule 5.5.107.

=================================================================================================

(official use only)

Date Application Accepted by Watermaster: __________________________
Application Approved by Watermaster: ______ YES ______ No

Watermaster Signature: ____________________________________________
WATER DISTRICT #1 RENTAL POOL TWO-PARTY PRIVATE LEASE AGREEMENT

_________________________________________ (lessor/spaceholder) agrees to lease ________ acre-feet of storage from its 2017 storage allocation to ____________________________________________ (lessee) at a price of $__________ according to the rules and regulations contained in the Water District #1 Rental Pool Procedures.

An Idaho Water Resources Board surcharge (10% of the purchase price) plus an $1.05 per acre-foot administrative fee must be received by Water District #1 prior to the approval of the storage lease).

If the reservoir storage system fails to fill in the season following the year leased, and the failure to fill is a result of the reservoir space evacuated to provide for this lease, the lessor’s storage allocation shall be reduced by the amount leased to offset any impacts to other spaceholders’ storage accruals according to the approved Water District #1 Rental Pool Procedures pursuant to Idaho Code Section 42-1765. The lessor understands the net effect of this rule is to make an amount of the lessor’s space (equal to the amount leased) last-to-fill in the reservoir system for the irrigation season following the lease.

Lessor Signature                Date                Title, Canal Company

Lessee Signature                Date                Title, Canal Company
WATER DISTRICT #1 RENTAL POOL ONE-PARTY PRIVATE LEASE AGREEMENT

The ____________________________ (district, company/spaceholder) agrees to lease _______ acre-feet of its 20__ storage allocation at a price of $_________ according to the rules and regulations contained in the Water District #1 Rental Pool Procedures. The reason for the lease is to change the storage purpose-of-use from irrigation to groundwater recharge. The lessor desires to have this lease commence on ______________(date) and end on ______________(date) with the leased storage water diverted at __________________________ (canal headgate name or diversion number).

A $1.30 per acre-foot administrative fee must be received by Water District #1 with this lease agreement prior to its approval.

If the reservoir storage system fails to fill in the season following the lease, and the failure to fill is a result of the reservoir space evacuated to provide for the lease, the lessor’s storage allocation shall be reduced by the amount leased to offset any impacts to other spaceholders’ storage accruals according to the approved Water District #1 Rental Pool Procedures pursuant to Idaho Code Section 42-1765. The lessor understands the net effect of this rule is to make an amount of the lessor’s space (equal to the amount leased) last-to-fill in the reservoir system for the irrigation season following the lease.

_________________________  ___________________
Lessor Signature          Date

_________________________
Title, Canal Company
2019

WATER DISTRICT 1

RENTAL POOL PROCEDURES
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RULE 1.0 LEGAL AUTHORITY
1.1 These procedures have been adopted by the Water District 1 Committee of Nine pursuant to Idaho Code § 42-1765.

1.2 These procedures shall not be interpreted to limit the authority of the Idaho Department of Water Resources, the Idaho Water Resource Board, or the Watermaster of Water District 1 in discharging their duties as prescribed by statute or rule.

1.3 These procedures shall be interpreted consistent with Idaho Code, rules promulgated by the Idaho Water Resource Board, relevant provisions of spaceholder contracts with the United States, and the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.

1.4 The operation of the rental pool shall in no way recognize any obligation to maintain flows below Milner or to assure minimum stream flows at the United States Geological Survey (USGS) gaging station on the Snake River near Murphy.

1.5 These procedures shall not be interpreted in any manner that is inconsistent with or would adversely impact or effect the rights of the Shoshone-Bannock Tribes as set out in the Fort Hall Agreement, the Blackfoot River Equitable Adjustment Settlement Agreement, and the 2015 Settlement Agreement between the Tribes and the Committee of Nine.

RULE 2.0 DEFINITIONS
2.1 Accounting Year: the Water District 1 accounting year that begins on November 1 and ends on October 31.

2.2 Acre-foot: a volume of water sufficient to cover one acre of land one foot deep and is equal to 43,560 cubic feet.

2.3 Administrative Fee: a fee of one dollar and thirty cents ($1.30) per acre-foot assessed on the total quantity of storage set forth in any rental or lease application, disbursed to the District at the end of the irrigation season.

2.4 Allocation: the amount of stored water, including carryover, that has accrued to a spaceholder’s storage space on the date of allocation that is available for the spaceholder’s use in the same accounting year.

2.5 Applicant: a person who files with the Watermaster an application, accompanied by the required fees, to rent or lease storage through the rental pool.

2.6 Assignment: storage provided by an assignor from the current year’s storage allocation for rental through the common pool pursuant to Rule 5.3.

2.7 Assignor: a participant who assigns storage to the common pool pursuant to Rule 5.3 and subject to Rule 7.5.
2.8 **Board:** the Idaho Water Resource Board (IWRB).

2.9 **Board Surcharge:** a surcharge equal to ten percent (10%) of the rental price or lease price assessed on the total quantity of storage set forth in any rental or lease application, disbursed to the Board at the end of the irrigation season.

2.10 **Bureau:** the United States Bureau of Reclamation (USBR).

2.11 **Committee:** the Committee of Nine, which is the advisory committee selected by the members of Water District 1 at their annual meeting and appointed as the local committee by the Board pursuant to Idaho Code § 42-1765.

2.12 **Common Pool:** storage made available to the Committee through participant contributions and/or assignments for subsequent rental pursuant to Rule 5.

2.13 **Date of Allocation:** the date determined each year by the Watermaster on which the maximum accrual to reservoir spaceholders occurs.

2.14 **Date of Publication:** the date on which the Watermaster publishes on the District website the storage allocation for the current accounting year.

2.15 **Department:** the Idaho Department of Water Resources (IDWR).

2.16 **District:** The District is comprised of the Snake River and tributaries with Basins 01, 21, 22, 23, and 25 points of diversion.

2.17 **Impact Fee:** a fee added to the rental price for non-spaceholder rentals pursuant to Rule 5.5.107.

2.18 **Impact Fund:** a fund maintained by the Watermaster for the mitigation of computed impacts to participants pursuant to Rule 7.3.

2.19 **Infrastructure Fee:** a fee of five dollars ($5.00) per acre-foot assessed on all storage rented through the common pool for purposes below Milner, excluding flow augmentation, disbursed to the Infrastructure Fund at the end of the irrigation season.

2.20 **Infrastructure Fund:** a fund maintained by the Watermaster for the purposes outlined in Rule 4.5.

2.21 **Lease:** a written agreement entered into between a lessor and lessee to lease storage through the rental pool pursuant to Rule 6.

2.22 **Lease Price:** a price per acre-foot negotiated between a lessor and lessee as set forth in a lease agreement.

2.23 **Lessee:** a person who leases storage from a participant under a lease.

2.24 **Lessor:** a participant who leases storage to a person under a lease pursuant to Rule 6 and subject to Rule 7.6.
2.25 **Milner:** Milner Dam on the Snake River.

2.26 **Milner Spill:** water in excess to the amount that can be captured in the reservoir system flowing past Milner dam that is not storage being delivered under Idaho Power’s American Falls storage water right or other storage that is otherwise authorized pursuant to these rules.

2.27 **Net Price:** the average price per acre-foot of all rentals from the common pool, including flow augmentation, but excluding rentals of assigned storage.

2.28 **Net Proceeds:** the net price times the number of acre-feet rented from the common pool, excluding rentals of assigned storage.

2.29 **Participant:** a spaceholder who contributes storage to the common pool pursuant to Rule 5.2.

2.30 **Participant Contributions:** storage made available to the common pool by participants, with computed impacts accounted from next year’s reservoir fill, which forms the supply for large rentals, small rentals, and flow augmentation, subject to the limitations in Rule 5.2.

2.31 **Person:** an individual, corporation, partnership, irrigation district, canal company, political subdivision, or governmental agency.

2.32 **Rent:** the rental of storage from the common pool.

2.33 **Rental Pool:** the processes established by these procedures for the rental and/or lease of storage, mitigation of computed impacts to spaceholders, and disposition of revenues.

2.34 **Rental Pool Subcommittee:** a subcommittee composed of the Watermaster (advisor), a designated representative from the Bureau (advisor), and three or more members or alternates of the Committee who have been appointed by the chairman of the Committee.

2.35 **Rental Price:** the price per acre-foot of storage rented from the common pool, as set forth in Rule 5.5, excluding the administrative fee, the Board surcharge, and the infrastructure fee.

2.36 **Renter:** a person who rents storage from the common pool.

2.37 **Reservoir System:** refers to American Falls, Grassy Lake, Henrys Lake, Island Park, Jackson Lake, Lake Walcott, Milner Pool, Palisades, and Ririe.

2.38 **Space:** the active capacity of a reservoir measured in acre-feet.

2.39 **Spaceholder:** the holder of the contractual right to the water stored in the space of a storage facility within the Reservoir System.

2.40 **Storage:** the portion of the available space that contains stored water.

2.41 **Watermaster:** the watermaster of Water District 1.
2.42 **Water Supply Forecast:** the forecasted unregulated runoff for April 1 to September 30 at the Heise USGS gaging station, referred to in Table 1.

**RULE 3.0 PURPOSES**

3.1 The primary purpose of the rental pool is to provide supplemental irrigation water to spaceholders for the irrigation of District land with an existing primary irrigation water right and to maintain a rental pool with sufficient incentives such that spaceholders supply, on a voluntary basis, an adequate quantity of storage for rental or lease pursuant to procedures established by the Committee. These procedures are intended to assure that participants have priority over non-participants and non-spaceholders in renting storage through the rental pool and the use of the storage occurs within the District.

3.2 To maintain adequate controls, priorities, and safeguards to insure that existing water rights are not injured and that a spaceholder’s allocation is not impacted without his or her consent. To compensate an impacted spaceholder to the extent the impact can be determined by the procedures developed by the District.

3.3 To generate revenue to offset the costs of the District to operate the rental pool and to fund projects that fall within the parameters of Rule 4.5.

3.4 To provide storage water at no cost under Rule 5.5 for the benefit of the Tribes consistent with the terms of the Blackfoot River Equitable Adjustment Settlement Agreement and the 2015 Settlement Agreement. Discussions are ongoing to identify the party responsible for mitigating impacts to the Tribes. Nothing in these Procedures should be construed as an admission of liability by Water District 1 or the Committee of Nine.

3.5 To the extent available and to insure that the water is available to stabilize the ESPA and water supplies within the District, and to address new demands for water from the District storage supply from both inside and outside the District, the following shall apply: Subject to annual review and commencing in 2019, a moratorium on all leases and rentals that deliver water to new lands, new uses, diversions, or new water rights which have not historically had water delivered from Water District 1 prior to January 1, 2019 inside or outside the District shall be in place, excluding small rentals under rule 5.2.104 within the District’s point of diversions. The Committee Resolution 51 subcommittee shall commence discussions in 2019 to address the issues associated with this moratorium and attempt a permanent resolution.
RULE 4.0 MANAGEMENT

4.1 **Manager.** The Watermaster shall serve as the manager of the rental pool and shall take all reasonable actions necessary to administer the rental pool consistent with these procedures, which include, but are not limited to:
   (a) Determining impacts pursuant to Rule 7;
   (b) Calculating payments to participating spaceholders as prescribed by Rules 5.2 and 7.3;
   (c) Accepting storage into the common pool and executing rental agreements on behalf of the Committee;
   (d) Disbursing and investing rental pool monies with the advice and consent of the Rental Pool Subcommittee; and
   (e) Taking such additional actions as may be directed by the Committee.

4.2 **Rental Pool Subcommittee.** The Rental Pool Subcommittee shall exercise the following general responsibilities:
   (a) Review these procedures and, as appropriate, make recommendations to the Committee for needed changes;
   (b) Review reports from the Watermaster regarding rental applications, storage assignments to the common pool, and leases of storage through private leases;
   (c) Advise the Committee regarding rental pool activities;
   (d) Develop recommendations for annual common pool storage supplies and rental rates;
   (e) Assist the Watermaster in resolving disputes that may arise from the diversion of excess storage; and
   (f) Assume such additional responsibilities as may be assigned by the Committee.

4.3 **Applications**

   4.3.101 Applications to rent or lease storage through the rental pool shall be made upon forms approved by the Watermaster and shall include:
   (a) The amount of storage sought to be rented or leased;
   (b) The purpose(s) for which the storage will be put to beneficial use;
   (c) The lease price (for private leases); and
   (d) To the extent practicable at the time of filing the application, the point of diversion identified by legal description and common name; and a description of the place of use.

   4.3.102 **Application Acceptance.** Applications are not deemed accepted until received by the Watermaster together with the appropriate fees required under Rules 5.5 (rentals) or 6.4 (leases).

   4.3.103 **Application Approval.** An application accepted under Rule 4.3.102 shall be approved after the Watermaster has determined that the application is in compliance with these procedures and sufficient storage will be available from the common pool and/or lessor to provide the quantity requested in the application. Upon approval of the application, the Watermaster shall send notice to the renter/lessor/lessee and entity owning the point-of-diversion designated in the application of such approval and allocation of storage; provided, however, no allocation of storage shall be made until the applicant designates the point of diversion and place of use of the rented and/or leased storage in the application or pursuant to Rule 4.3.106.
4.3.104  *Timeframe for having Rental Application Accepted to Preserve Rental Priority.* Applications to rent storage will not be accepted until April 5 of the year in which the storage will be used. Applications must be accepted by the Watermaster within 15 days following the date of publication to preserve the applicant’s priority under Rule 5.4.101.

4.3.105  *Deadline for Accepting Applications to Rent or Lease Storage.* All applications to rent or lease storage must be accepted by the Watermaster pursuant to Rule 4.3.102 on or before December 1 in order for the storage identified in such applications to be accounted for as having been diverted prior to October 31 of the same year. Applications accepted after December 1 will be accounted for from storage supplies in the following calendar year, unless an exception is granted by the Rental Pool Subcommittee.

4.3.106  *Deadline to Designate Point of Diversion and Place of Use.* If the point of diversion and/or place of use of the rented and/or leased storage was not previously designated in the application, the renter and/or lessee must make such designation in writing to the Watermaster on or before December 1 of the same year, unless an extension is granted by the Rental Pool Subcommittee. Failure to comply with this provision shall cause any unused storage to automatically revert back to the common pool and/or lessor, respectively.

4.3.107  *Deadline to Use Rental or Lease Storage.* Approved applications pursuant to Rule 4.3 or water leased through a private lease, must be used and diverted on or before December 1 of the same year.

4.4  **Rental Pool Account**

4.4.101  All monies submitted by applicants shall be deposited in an interest-bearing account known as the “Rental Pool Account” and maintained by the Watermaster on behalf of the Committee. Monies in the Rental Pool Account will be disbursed to participants, the District, the Board, the Impact Fund, and the Infrastructure Fund in the proportions set forth in these Rules. Accrued interest to the Rental Pool Account shall be used to maintain the Impact Fund. Rental Pool Funds shall be considered public funds for investment purposes and subject to the Public Depository Law, Chapter 1, Title 57, Idaho Code.

4.4.102  Monies deposited in the Rental Pool Account are non-refundable to the extent the rental and/or lease application is approved pursuant to Rule 4.3.103, regardless of whether the storage is used.

4.5  **Infrastructure Fund**

4.5.101  Monies in the Infrastructure Fund may only be used to fund District costs of projects relating to improvements to the District’s distribution, monitoring, and gaging facilities, and other District projects designed to assist in the adjudication, which includes the cost of Blackfoot River Equitable Adjustment Settlement Water, if any is required, conservation, or efficient distribution of water.
4.5.102 Disbursements from the Infrastructure Fund are subject to two-thirds (2/3) Committee approval.

4.5.103 If monies in the Infrastructure Fund accrue to one million dollars ($1,000,000.00), the infrastructure fee shall be waived and the same amount (five dollars ($5.00)) added to the rental price in Rule 5.5.105.

4.5.104 Monies in the Infrastructure Fund may be carried over from year to year.

**RULE 5.0 COMMON POOL**

5.1 **Scope.** The common pool consists of storage made available to the Committee through participant contributions and assignments. Participants make all of their storage available to the common pool pursuant to the terms of Rule 5.2, with computed impacts accounted from next year’s reservoir fill. Assignors provide storage to the common pool, pursuant to Rule 5.3, by assigning a portion of their current year’s storage allocation. Rentals from the common pool are subject to the priorities and prices established under this Rule.

5.2 **Participant Contributions**

5.2.101 **Participants.** Any spaceholder may, upon submitting written notice to the Watermaster prior to March 15, 2019, elect to contribute storage to the common pool. Any spaceholder making such election shall be deemed a “participant” for the current year and every year thereafter until the spaceholder provides written notice to the Watermaster prior to March 15, 2019 rescinding its participation. Upon election to participate, a spaceholder is eligible for all the benefits of a participant set forth in these procedures, excluding monetary payment for rentals or computed impacts associated with rentals from the prior year. If after March 15, 2019, less than seventy-five percent (75%) of the contracted storage space is committed to the common pool by participants, the Committee shall revise the rental pool procedures as necessary prior to April 1.

5.2.102 **Non-Participants.** Spaceholders who are not participants shall not be entitled to supply storage to, or rent storage from, the common pool, or supply or lease storage through a private lease. Notwithstanding this restriction, the Bureau may rent water from the common pool for flow augmentation pursuant to Rule 5.2.105.

5.2.103 **Large Rentals.** The common pool will make available from participant contributions 50,000 acre-feet of storage for rentals, plus any assigned storage, subject to the priorities and limitations set forth in Rule 5.

5.2.104 **Small Rentals.** The common pool will make available from participant contributions 5,000 acre-feet for rentals of 100 acre-feet or less per point of diversion, subject to the priorities and limitations set forth in Rule 5. Rentals from the small pool shall only be considered for approval following submittal of written consent from the operator of the delivery system. The Committee may approve on a case-by-case basis the additional rental of storage under this provision to exceed the 100 acre-feet limitation. The 100 acre-feet limitation per point of diversion does not apply if the rental is supplied pursuant to Rule 5.2.103.
5.2.105 *Flow Augmentation*

(a) *Table 1.* The amount of storage, from participant contributions to the common pool, available for rental for flow augmentation shall be determined by Table 1.

(b) *Extraordinary Circumstances.* A greater amount of storage may be made available by the Committee, if it determines on or before July 1 that extraordinary circumstances justify a change in the amount of storage made available for flow augmentation. The Bureau and Committee will also consider on years when Milner spill occurs, the preservation of Uncontracted and Powerhead storage for use in subsequent years.

5.2.106 *Shoshone-Bannock Tribes.* The Tribes shall be treated as non-participants unless written notice is provided under 5.2.101.

(a) *Blackfoot River Equitable Adjustment Settlement Agreement Water.* Storage water not to exceed 20,000 acre-feet shall be made available in accordance with the terms of the Blackfoot River Equitable Adjustment Settlement Agreement. The source and funding of the storage water shall be determined by the Committee at its June meeting. Administrative fees shall be paid by Water District 1.

(b) *2015 Settlement Agreement.* Storage water not to exceed 10,000 acre-feet (except with the approval of the Committee of Nine) shall be made available in accordance with the terms of the 2015 Settlement Agreement from the current year’s Common Pool prior to providing any rental under the priorities of Rule 5.4.101. Administrative fees shall be paid by Water District 1. Discussions are ongoing to identify the party responsible for mitigating impacts to the Tribes. Nothing in these Procedures should be construed as an admission of liability by Water District 1 or the Committee of Nine.

5.2.107 *Additional Quantities.* In the event rental requests from participants impacted from the prior year’s rentals exceed 50,000 acre-feet and insufficient storage has been assigned to the common pool to meet such additional requests, the maximum amount of storage that will be available through the common pool will be equivalent to the amount necessary to meet the demand of those shown to have been impacted from the prior year’s rentals.

5.2.108 *Participant Payments.* Monies collected through the rental of the participant contribution portion of the common pool, including flow augmentation, shall be disbursed as follows:

(a) seventy percent (70%) of the Net Proceeds disbursed to participants; and

(b) thirty percent (30%) of the Net Proceeds disbursed to the Impact Fund.
5.2.109 Participant Payment Formula. Participants will receive payment for storage rented from the participant contribution portion of the common pool pursuant to the following payment formulas:

1st Installment \( = \frac{R \times SP}{TSP} / 2 \)
2nd Installment \( = \frac{R \times ST}{TST} / 2 \)

\( R = \) 70% of net proceeds
\( SP = \) Space of participants
\( ST = \) Storage of participants based on the preliminary storage allocation for the following year
\( TSP = \) Total participating space in system
\( TST = \) Total participating storage in system based on the preliminary storage allocation for the following year

If a specific reservoir’s allocation has been reduced as a result of flood-control operations, the ST and TST values in the above formula for those reservoir spaceholders will reflect the values that otherwise would have occurred without any reductions for flood-control.

5.2.110 Timing of Payments. Payments to participants will be made in two installments. The first installment will be paid to participants immediately following the irrigation season in which the proceeds were collected. The second installment will be paid to participants within two weeks of the date of publication for the following irrigation season.

5.3 Assignments

5.3.101 Assignors. Any participant may assign storage to the common pool. An assignment of storage shall be made in writing on forms approved by the Watermaster.

5.3.102 Purposes. Storage assigned to the common pool may be rented only for purposes above Milner.

5.3.103 Limitations. Storage assigned to the common pool may be rented only after the participant contributions to the common pool have been rented. A participant may not assign storage and rent storage in the same accounting year unless an exception is granted by the Rental Pool Subcommittee.

5.3.104 Assignor Payment. The assignor shall receive one-hundred percent (100%) of the rental price per acre-foot of the assigned storage that is rented.

5.3.105 Distribution of Assigned Storage. Assignments can only be made between April 5 and 15 days after the date of publication in the year in which the storage is to be rented. Assignments shall initially be distributed on a pro-rata basis, with each pro-rata share based on the amount of storage assigned or 10% of the assignor’s storage space, whichever is less. If, after this initial distribution, additional rental requests exist, the remaining assigned storage shall be distributed on a pro-rata basis.
5.4 Priorities for Renting Storage

5.4.101 Priorities. Storage rented from the common pool shall be pursuant to the following priorities:

(a) **First Priority.** Rentals by participants whose storage is determined to have been impacted by the prior year’s rental from the common pool not to exceed the amount of the computed impact.

(b) **Second Priority.** Rentals by participants for agricultural purposes up to the amount of their unfilled space.

(c) **Third Priority.** Rentals by participants for any purposes above Milner in excess of their unfilled space. Applications for such rentals will be reviewed by the Committee and may be approved on a case-by-case basis.

(d) **Fourth Priority.** Rentals by non-spaceholders for any purposes within the District.

5.4.102 Priority for Late Applications. Applications received after the deadline set forth in Rule 4.3.104 will be deemed last in priority and will be filled in the order they are received, only after all timely applications have been filled.

5.4.103 Distribution Within Priority Classes. If rental supplies are not sufficient to satisfy all of the timely applications within a priority class (those received within 15 days of the date of publication), the available rental supplies will be distributed to the applicants within that priority class on a pro-rata basis.

5.4.104 Priority for Small Rentals. Small rentals made pursuant to Rule 5.2.104 are not subject to the priorities set forth in Rule 5.4.101 and will be approved in the same order in which the rental applications are received by the Watermaster, so long as the total amount of all such applications does not exceed 5,000 acre-feet.

5.4.105 Priority for Flow Augmentation. Rentals for flow augmentation are not subject to the priorities set forth in Rule 5.4.101 and shall be determined pursuant to Rule 5.2.105.

5.5 Rental Prices

5.5.101 **Tier 1:** If the storage system fills, the rental price for purposes above Milner shall be $7.00 per acre-foot.

5.5.102 **Tier 2:** If the storage system does not fill but storage is provided for flow augmentation pursuant to Rule 5.2.105(a), the rental price for purposes above Milner shall be $17.00 per acre-foot.

5.5.103 **Tier 3:** If the storage system does not fill and no flow augmentation water is provided pursuant to Rule 5.2.105(a), the rental price for purposes above Milner shall be $25.00 per acre-foot.
5.5.104  *Determination of Tier 1, 2 or 3 Rental Price:* Unless the storage system has filled, the Watermaster shall designate on or before April 5 either Tier 2 or Tier 3 as the rental price for above-Milner rentals. If at any time during the same accounting year, the storage system should subsequently fill, the Watermaster shall designate Tier 1 as the rental price for above-Milner rentals and refund any excess rental fees within 30 days after the date of publication.

5.5.105  *Tier 4:* The rental price for storage rented for flow augmentation shall be $17.00 per acre-foot.

5.5.106  *Tier 5:* The rental price for storage rented for purposes below Milner, excluding flow augmentation, shall be negotiated between the applicant and the rental pool subcommittee.

5.5.107  *Fees & Surcharges.* There shall be added to the rental price for all rentals the administrative fee and Board surcharge. There shall also be added to the rental price for rentals pursuant to fourth priority Rule 5.4.101(d) and rentals to non-spaceholders pursuant to Rule 5.2.104 an impact fee to mitigate the computed impacts under Rule 7 from such rentals, payable as follows: The exact amount which is to be set and paid when the full impacts of such rentals, based upon the following year's Common Pool rental price, are determined under said Rule 7, including all additional fees and surcharges. Payment shall then be due and payable on or before 60 days from the day of allocation. There shall also be added to the rental price for rentals below Milner, excluding flow augmentation, the infrastructure fee. Failure of a non-spaceholder to timely pay the fees identified above, shall result in the non-spaceholder’s ineligibility to rent water in the future. Such failure to pay shall also subject the non-spaceholder to such legal actions as allowed under state law in the collection of fees.

5.5.108  *Storage System Fill.* For purposes of Rule 5.5 only, the storage system is considered full when all storage rights are filled in Jackson Lake, Palisades (except for powerhead), American Falls, and Island Park.

5.6  Limitations. A participant cannot rent water from the Common Pool if the participant is replacing storage space or water which has been evacuated due to an assignment to or private lease through the Water District 1 Rental Pool, unless an exception is granted by the Committee.

**RULE 6.0  PRIVATE LEASES**

6.1  *General.* All leases must be transacted through the rental pool. Only participants may lease storage to a Lessee subject to the provisions of these rules.

6.2  *Purposes.* Storage may be leased through the rental pool only for beneficial use purposes above Milner. A participant may not lease storage to a lessee and rent storage from the common pool in the same accounting year unless an exception is granted by the Rental Pool Subcommittee.

6.3  *Payment to Lessor.* The lessor shall receive one-hundred percent (100%) of the lease price.
6.4 **Fees & Surcharges.** There shall be added to the lease price the administrative fee and the Board surcharge.

6.5 **Non-Applicability to Common Pool.** Storage leased pursuant to this rule does not count against the participant contribution volumes set forth in Rule 5.2.

6.6 **Recharge.** All storage used for the purpose of recharge must be transacted through the rental pool. Unless storage is rented pursuant to Rule 5.0, storage used for recharge, whether diverted by the storage spaceholder or another person, will be treated as a lease of storage.

6.7 **Idaho Water Resource Board (IWRB) Storage.** Notwithstanding the limitations set forth in Rules 6.1 and 6.2, the IWRB may lease its existing storage (up to 5,000 acre-feet) to Idaho Power and have it released past Milner for the purpose of mitigating minimum flows at Murphy. The administrative fee must be paid by the IWRB for any storage used for such purpose.

6.8 **Lease of Storage from Bureau Uncontracted Space.** Notwithstanding the limitations set forth in Rules 6.1 and 6.2, the Bureau may lease storage from its uncontracted space for flow augmentation as identified in Appendix III of the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.

6.9 **Lease of Storage from Bureau Powerhead Space.** Notwithstanding the limitations set forth in Rules 6.1 and 6.2, the Bureau may lease storage from its powerhead space for flow augmentation as identified in III.C.7 of the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.

**RULE 7.0 IMPACTS**

7.1 **Determination.** In any year in which the storage rights in the reservoir system do not fill, the Watermaster will determine the actual computed impacts to spaceholders, if any, associated with the prior year’s rentals and leases. In making this determination, the Watermaster will use a procedure which identifies the following:

(a) What each computed reservoir fill would have been had the previous year’s rentals and leases not taken place;

(b) The storage space from which rented or leased storage was actually supplied for the previous year’s rental or lease; and

(c) The amount of storage each spaceholder’s current allocation was reduced by the previous year’s rental or lease activities.

7.2 **Milner Spill.** There are no computed impacts resulting from the previous and current year’s rentals or leases used prior to Milner spill ceasing when the use of those rentals or leases result in reducing the spill from the reservoir system prior to the current year’s Date of Allocation, as determined by the Watermaster.
7.3  **Impacts to Participants due to Rentals from the Common Pool (excluding assignments)**

7.3.101 *Payments to Impacted Participants Using Impact Fees.* Participants whose storage allocation has a computed impact from the prior year’s rental of storage from the common pool, excluding assignments, shall first receive payment from impact fees collected pursuant to Rule 5.5.107 from the previous year’s fourth priority rentals. The amount of impact fees disbursed to impacted participants will be proportional to the total common pool rental, including flow augmentation rentals that occurred during the prior year:

\[
\text{Impact Fee Payment} = (Isp \times RP) \times (Fp/Cp)
\]

where:
- \(Isp\) = Participants computed impacted space in current year
- \(RP\) = Rental Price in current year
- \(Fp\) = Fourth priority rentals in prior year
- \(Cp\) = Total common pool rentals (including flow augmentation) in prior year

Payment to spaceholders for the impacts by non-spaceholders pursuant to 7.3.101 shall be paid from the balance remaining in the impact fund after payments are made pursuant to 7.3.102, which shall then be reimbursed pursuant to Rule 5.5.107.

7.3.102 *Remaining Impact Payment.* Participants whose storage allocation has a computed impact from the prior year’s rental of storage from the common pool, excluding assignments, will also receive payment from the Impact Fund (in addition to the Impact Fee Payment pursuant to Rule 7.3.101) equal to the lesser value of the two following formulas:

\[
\text{Remaining Impact Payment} = [(Isp\times RP) – \text{Impact Fee Payment}] \quad \text{or} \quad \frac{1}{2} \left( IF \times \frac{Isp}{Ispt} \right) – \text{Impact Fee Payment}
\]

where:
- \(Isp\) = Participant’s computed impacted space in acre-feet
- \(RP\) = Rental Price
- \(IF\) = Impact Fund
- \(Ispt\) = Total of all Participants’ computed impacted space in acre-feet

7.3.103 *Timing of Payment.* Impact payments, which will be based on preliminary data, will be made to participants on or before July 15.

7.4  **Impacts to Non-Participants due to Rentals from the Common Pool (excluding assignments).** If the prior year’s rental of storage from the common pool caused computed impacts to non-participants as determined by the Watermaster, the current year’s Common Pool shall be reduced to supply such impacts to non-participants (at no cost to non-participants) prior to providing any rental under the priorities of Rule 5.4.101.
7.5 **Impacts to Spaceholders due to all other leases.** If the lease of storage pursuant to leases under Rules 5.3, 6, 8, and 9.3 caused computed impacts, as determined by the Watermaster, the lessor’s storage allocation shall be reduced by an amount equal to such computed impacts, not to exceed the quantity of storage leased by the Lessor, and reallocated to mitigate computed impacts to affected spaceholders. Refill of lessor’s storage space shall occur in the following priorities:

(a) Assigned storage under Rule 5.6, private leases above Milner, and IWRB storage used for mitigating minimum flows at Murphy under Rule 6.7. This reallocation will only occur in the year following the lease of storage.
(b) Bureau uncontracted storage under Rule 6.8 until the lessor’s affected space fills.
(c) Subject to review by the Committee in 2019, Supplemental Pool leases under Rule 8.0 shall be computed the same as was in 2018 as outlined in Rule 8.7
(d) Bureau Powerhead storage under Rule 6.9 shall be the last space to refill after all other space in reservoirs in Water District 1 until the lessor’s affected space fills as identified in III.C.7.c. of the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.

**RULE 8.0. SUPPLEMENTAL POOL**

8.1 **Purpose.** To provide a voluntary mechanism for the lease of storage water below Milner for hydropower generation within the state of Idaho when storage water supplies, as a result of hydrologic, climate and other conditions, are sufficient to satisfy above Milner uses and Water District 01 commitments for flow augmentation. A supplemental pool shall be created in order to mitigate for computed impacts associated with leases below Milner, consistent with the Idaho Water Resource Board’s policy to establish an effective water marketing system consistent with state law and assuring the protection of existing water rights while accommodating the purchase, lease or conveyance of water for use at Idaho Power’s hydroelectric facilities, including below Milner Dam.
8.2 **Annual Authorization** In order to provide the opportunity to lease water to generate funding of aging infrastructure projects without impacting individual spaceholder fill, storage may be leased through the Supplemental Pool for the purposes described herein. However, no storage may be leased through the supplemental pool until the Committee on or after April 1 of each year authorizes use of the pool and the Committee is satisfied that the goals and terms of the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement are met to provide sufficient flow augmentation supplies for the year or that storage to be released past Milner will count toward flow augmentation.

(a) Mitigation Inc. shall have the right to lease the first 10,000 ac-ft of supplemental pool water under Rule 8.0, as approved annually by the Committee at the first Committee of Nine meeting in April. Mitigation Inc. shall provide to the Committee a report summarizing the expenditure of revenue from the annual lease(s) by December 31, 2023. If the Committee determines that the preference granted Mitigation Inc. is no longer justified, the Committee may terminate said preference. The preference granted Mitigation Inc. pursuant to this Rule shall sunset on December 31, 2029. The 10,000 ac-ft preference shall only be applied once per year.

(b) Additional leases of storage in excess of 10,000 ac-ft may be authorized annually by the Committee pursuant to Rule 8.0. If Mitigation Inc. supplies 10,000 ac-ft to the supplemental pool pursuant to 8.2(a), Mitigation Inc. shall be permitted to supply a pro-rata share of any additional amount made available to the supplemental pool exceeding the initial 10,000 ac-ft. If Mitigation Inc. does not supply 10,000 ac-ft pursuant to 8.2(a), Mitigation Inc. shall be permitted to supply a pro-rata share of its storage to the supplemental pool along with other spaceholders supplying storage to the supplemental pool.

8.3 **Quantity and Price Determinations.**

8.3.101 *Quantity Determination.* The maximum quantity of storage authorized to be leased through the supplemental pool shall be determined annually by the Committee taking into account the advice and recommendation of the Rental Pool Subcommittee, together with current and forecasted hydrological conditions and estimated demand on the rental pool for above Milner uses.

8.3.102 *Price Determination.* The Committee shall authorize the leasing of water, including price pursuant to Rule 8 after taking into account spaceholder needs and current market conditions for power generation. There shall be added to the lease price the board surcharge and not to exceed a $1.80 per acre-foot administrative fee associated with the development and implementation of the supplemental pool, assessed on the total quantity of storage set forth in any lease application approved or conditionally approved under Rule 8.4.

8.3.103 *Subsequent Quantity and Price Determinations.* If within the same accounting year, the Committee subsequently determines based on the criteria set forth in Rule 8.3.101 that additional opportunities exist for utilizing the use of water within Idaho through the supplemental pool consistent with Rule 8.1.i it shall designate such additional maximum quantity authorized to be leased through the supplemental pool and identify a separate lease price for such additional quantity pursuant to Rule 8.3.102.
8.4 Application to Lease Storage from the Supplemental Pool.

8.4.101 Applications to lease storage from the supplemental pool for hydropower purposes shall be made upon forms approved by the Watermaster and shall include:
(a) The amount of storage sought to be leased;
(b) The lease price with associated fees as identified by the Committee under Rule 8.3.102;
(c) The point of diversion identified by legal description and common name; and
(d) A description of the place of use.

8.4.102 Application Acceptance. Applications are not deemed accepted until received by the Watermaster together with the appropriate fees required under Rule 8.3.102.

8.4.103 Application Approval. An application accepted under Rule 8.4.102 shall be approved after the Watermaster has determined that the application is in compliance with these procedures and sufficient storage will be available from the supplemental pool to provide the quantity requested in the application; provided, however, if the date of publication has not yet occurred, approval of the application shall be conditioned on the ability of spaceholders who have contracted to lease storage through the supplemental pool to have a sufficient storage allocation during the accounting year to satisfy their contracts approved under Rule 8.5.104. Upon approval or conditional approval of the application, the fees collected from the applicant shall be non-refundable to the extent of the total quantity of storage approved or conditionally approved in supplemental pool lease contract(s) under Rule 8.5.104. The Watermaster shall provide notice of such approval.

8.4.104 Deadline for Accepting Applications. All applications to lease storage from the supplemental pool must be accepted by the Watermaster pursuant to Rule 8.4.102 not later than October 31 in order for the storage identified in such applications to be accounted for as having been diverted as of October 31 of the same year. Applications accepted after October 31 will be accounted for from storage supplies in the following calendar year, unless an exception is granted by the Rental Pool Subcommittee.

8.5 Supplemental Pool Supply.

8.5.101 Notice to Spaceholders of Opportunity to Lease Storage through the Supplemental Pool. The Watermaster shall provide notice of the supplemental pool on the Water District 1 website, which shall include the following information:
(a) The maximum quantity of storage authorized to be leased through the supplemental pool;
(b) The lease process, including price and deadlines as authorized by the Committee;
(c) Instructions for spaceholders interested in leasing storage through the supplemental pool, including instructions for executing a standardized supplemental pool lease contract; and
(d) The deadline, as set by the Committee, for the Watermaster to receive supplemental pool lease contracts from spaceholders interested in leasing storage through the supplemental pool.
8.5.102 Supplemental Pool Lease Contracts. Spaceholders interested in leasing storage through the supplemental pool shall execute a standardized supplemental pool lease contract, which shall be provided by the Watermaster and include provisions for the following:

(a) Limit eligibility to lease storage through the supplemental pool only to spaceholders who qualify as participants under Rule 2.27;
(b) The quantity sought to be leased by the spaceholder may be any amount, except that the total amount of storage leased pursuant to Rule 8 may not exceed either the maximum quantity set by the Committee under Rule 8.3.101 or 10% of the spaceholder’s total reservoir system space, unless an exception is approved by the Rental Pool Subcommittee;
(c) The quantity actually leased by the spaceholder may be reduced depending upon the number of spaceholders who elect to lease storage through the supplemental pool as provided in Rule 8.5.103;
(d) That, in the event the spaceholder elects to sign a standard pool lease contract before the date of publication, the spaceholder assumes the risk that its storage allocation may be less than the spaceholder anticipated; and
(e) Notice to the spaceholder that if the spaceholder’s lease through the supplemental pool causes computed impacts, the mitigation required under Rule 8.7 will result in an amount of the spaceholder’s space, not to exceed the quantity of storage leased by the spaceholder, being assigned a junior priority which may not fill for multiple consecutive years, an accounting commonly referred to as “last to fill.”

8.5.103 Distribution of Storage to the Supplemental Pool. If, following the deadline for receipt of executed supplemental pool lease contracts, the Watermaster determines that the total quantity of storage sought to be leased through the supplemental pool exceeds the quantity limitation established under Rule 8.3, then the Watermaster shall reduce the quantity of each supplemental pool lease contract to a pro rata share based on the amount of storage sought to be leased by each spaceholder. The Watermaster shall amend the supplemental pool lease contract(s) to reflect any reduced quantity required by this provision.

8.5.104 Lease Contract Approval. Following receipt of a supplemental pool lease contract, the Watermaster shall determine whether the contract is in compliance with these procedures, and, if so, shall approve the same; provided, however, if the date of publication has not yet occurred, approval of the contract shall be conditioned on the spaceholder having a sufficient storage allocation during the accounting year to satisfy the contract.

8.6 Notice of Contract Approval and Payment to Lessors. The lessors shall receive one-hundred percent (100%) of the lease price apportioned according to the quantity of storage each lessor leased through the supplemental pool. The Watermaster shall notify spaceholder(s) who submitted supplemental pool lease contracts of the approved amount and distribute the funds to the lessors within 30 days following approval or conditional approval of an application under Rule 8.4.103.
8.7 **Mitigation of Impacts.** If a lease of storage through the supplemental pool caused computed impacts, as determined by the Watermaster, the lessor’s storage allocation shall be reduced by an amount equal to such computed impacts, not to exceed the quantity of storage leased by the lessor, and reallocated to mitigate computed impacts to affected spaceholders until the lessor’s affected space fills under a priority junior to that required to fill Palisades powerhead space.

8.8 **November 1 Carryover Unaffected.** For purposes of determining the amount of storage available for flow augmentation under Rule 5.2.105(a), storage leased through the supplemental pool shall not affect the November 1 carryover quantity on Table 1.

**RULE 9.0 STORAGE ALLOCATED TO PALISADES WATER USERS, INC. (PWUI)**

9.1 **Background and Purpose.** PWUI is an entity originally organized at the specific request of the Bureau to group, under one entity, all individual water users who applied for an allocation of Palisades Reservoir storage because Reclamation’s policy at that time was that it would not enter into repayment contracts with individual water users. PWUI does not own natural flow water rights, has no designated service area, and does not own a water delivery system. Instead, PWUI shareholders call for delivery of water allocated to their shares through their own delivery systems or the systems of other irrigation entities and have historically been able to change the location of PWUI storage deliveries upon simple notification to the District. The shares do not describe specific property where storage allocated to such shares are used. One share of PWUI stock is equivalent to one acre-foot of PWUI space in Palisades Reservoir, and allocations of water to PWUI shareholders are made upon that basis. The provisions of Rule 9.0 are included herein to clarify, between PWUI and the District, how to properly categorize the delivery of PWUI storage to various points of delivery.

9.2 **Delivery of PWUI Storage Water.** Storage allocated to PWUI shares shall not be considered a private lease under Rule 7.6 in the following circumstances:

9.2.101 The delivery of storage to an irrigation delivery system where the PWUI shareholder has an ownership interest or leasehold interest in property capable of receiving delivery of water through such system.

9.2.102 The delivery of storage allocated to a PWUI shareholder which is assigned to another PWUI shareholder for an amount up to the assignee’s unfilled PWUI allocation for the Accounting Year.

9.2.103 The delivery of storage allocated to PWUI’s treasury stock provided to a PWUI shareholder.

9.3 **Private Leases of PWUI Storage Water.** Storage allocated to PWUI shares shall be considered a private lease under Rule 7.6 and subject to impacts under Rule 7.6 in the following circumstances:

9.3.101 The delivery of storage allocated to PWUI’s treasury stock provided to a non-PWUI shareholder for any purpose.

9.3.102 The delivery of storage allocated to a PWUI shareholder which is assigned to another PWUI shareholder for an amount more than the assignee’s unfilled PWUI allocation for the Accounting Year.

9.3.103 The delivery of storage allocated to a PWUI shareholder provided to a non-PWUI shareholder for any purpose.

9.3.104 The delivery of storage to a PWUI shareholder which is used for recharge.
9.4 **Applicability of Rule 5.6 To PWUI Storage.**

9.4.101 Rule 5.6 shall apply to private leases of PWUI storage described in Rule 9.3.101.

9.4.102 Subject to Rule 9.4.103, the Committee hereby grants PWUI an exception from the provisions of Rule 5.6 such that PWUI shall not be prohibited from leasing water from the Common Pool because of private leases by PWUI shareholders under Rules 9.3.102 through 9.3.104.

9.4.103 Water leased from the Common Pool by PWUI under Rule 9.4.102 shall not be allocated to or used by PWUI shareholders who engage in private leases described under Rules 9.3.102 through 9.3.104.

9.5 **Allocation of Impacts to PWUI.** The allocation of impacts described in Rule 7.6 of these procedures for private leases described under Rule 9.3 shall be made to PWUI as the spaceholder. PWUI shall thereafter internally allocate the impacts to the individual PWUI shareholders who participate in private leases described under Rules 9.3.102 through 9.3.104.

9.6 **Information Provided to District.** PWUI shall provide sufficient information to the District to allow the District to verify PWUI’s characterization of the assignment of PWUI storage under Rule 9.0.

9.7 **Assignment of PWUI Shares to Canal Headings.** PWUI shareholders shall assign its shares to the canal heading where such PWUI shareholder is most likely to request delivery of storage. Water District 1 shall only account for the delivery of PWUI storage when (1) notified by the PWUI shareholder that such shareholder is taking delivery of storage through a canal; or (2) the manager of a canal reports the delivery of PWUI storage to Water District 1.
January 15, 2019

Idaho Water Resources Board
Attn: Remington Buyer
P.O. Box 83720
Boise, ID 83720-0098

Dear Mr. Buyer,

Please consider this our written request that the Water District #63 Advisory Committee be reappointed for an additional five years as the Boise River Rental Pool Committee, responsible for facilitating the lease and rental of storage water in the Boise River reservoir system.

Members of the Water District #63 Advisory Committee, elected by the water users in 2019 are:

Vernon Case, Sam Rosti, Jim Payne, Mike Houston, Clinton Pline, Larry Story, Richard Durrant, Martin Galvin, Alan Newbill, Randy Davison, Ray Nebeker and Roland Springer.

Thank you,

Water District #63 Advisory Committee.
January 30, 2019

Idaho Water Resource Board
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Appointment of Water District 65 Advisory Board as Rental Pool Local Committee

To the Idaho Water Resource Board,

Mr. Roy Maxwell, the chairman of the Water District No. 65 Advisory Board instructed me to submit a request to the Idaho Water Resource Board to extend by reappointing the Water District 65 Advisory Board, as its Rental Pool Local Committee.

Included with this request is the Committee’s Rental Pool Procedures, its general lease form, its rental form and a current list of the advisory board members.

If further information is needed please do not hesitate to contact me at 208-642-4465

Sincerely,

Ron Shurtleff
RE: Reappointment rental pool local committee

Dear Mr. Remington Buyer,

The board wished to extend the appointment for an additional five years of the Water District 65K Advisory Committee as the rental pool local committee. The following is the list of the newly appointed Advisory Committee. Justin Florence, Art Troutner, and Ben Rydalch.

If you have any questions, you can contact me at 208-634-6528.

Sincerely,

Justin Florence
March 15, 2019

Idaho Water Resources Board
Attn: Remington Buyer
P.O. Box 83720
Boise, ID 83720-0098

Dear Mr. Buyer,

Please consider this our written request that the Water District #74 Advisory Committee be reappointed for an additional five years as the Lemhi River Rental Pool Committee, responsible for facilitating the lease and rental of water in the Lemhi River basin.

Members of the Water District #74 Advisory Committee, elected by the water users in 2019 are:


Thank you,

Carl Ellsworth

Water District #74 Advisory Committee.
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF APPROVING RENTAL POOL PROCEDURES FOR THE UPPER SNAKE RIVER RENTAL POOL

WHEREAS, section 42-1765, Idaho Code and subsections of IDAPA 37.02.030.40, Water Supply Bank Rule 40, authorizes the Idaho Water Resource Board to appoint local committees to facilitate the lease and rental of stored water within rental pools; and

WHEREAS, the Water District 01 Advisory Committee has requested to be reappointed as the local committee for the Upper Snake River Rental Pool; and

WHEREAS, the Water District 01 Advisory Committee has adopted amended procedures pursuant to which they intend to facilitate the lease and rental of rental pool stored water; and

WHEREAS, the Department of Water Resources has reviewed the local committee procedures and lease and rental forms and recommends the Idaho Water Resource Board reappoint the Water District 01 Advisory Committee as the local committee for the Upper Snake River Rental Pool;

NOW THEREFORE BE IT RESOLVED that the Advisory Committee for Water District 01, Upper Snake River, is reappointed as the local committee for the Upper Snake River Rental Pool. This appointment is effective for a period of five (5) years from the date of this resolution or until amended or revoked by action of the Idaho Water Resource Board.

NOW THEREFORE BE IT FURTHER RESOLVED that the amended Upper Snake River Rental Pool procedures are approved by the Idaho Water Resource Board.

DATED this XX day of XXX, 2019.

______________________________
ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST ________________________________
VINCE ALBERDI, Secretary
BEFORE THE IDAHO WATER RESOURCE BOARD

RESOLUTION TO REAPPOINT A RENTAL
POOL LOCAL COMMITTEE

IN THE MATTER OF RENEWING THE
APPOINTMENT OF THE WATER DISTRICT
NUMBER 63 ADVISORY COMMITTEE AS THE
LOCAL COMMITTEE FOR THE BOISE RIVER
RENTAL POOL

WHEREAS, section 42-1765, Idaho Code and subsections of IDAPA 37.02.030.40, Water
Supply Bank Rule 40, authorizes the Idaho Water Resource Board to appoint local committees to
facilitate the lease and rental of stored water within rental pools; and

WHEREAS, the Water District 63 Advisory Committee has requested to be reappointed as
the local committee for the Boise River Rental Pool; and

WHEREAS, the Department of Water Resources has reviewed the local committee
procedures and lease and rental forms and recommends the Idaho Water Resource Board
reappoint the Water District 63 Advisory Committee as the local committee for the Boise River
Rental Pool;

NOW THEREFORE BE IT RESOLVED that the Advisory Committee for Water District No. 63,
Boise River, is reappointed as the local committee for the Boise River Rental Pool. This
appointment is effective for a period of five (5) years from the date of this resolution or until
amended or revoked by action of the Idaho Water Resource Board.

DATED this XX day of XXX, 2019.

____________________________________
ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST ______________________________
VINCE ALBERDI, Secretary
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF RENEWING THE APPOINTMENT OF THE WATER DISTRICT NUMBER 65 ADVISORY COMMITTEE AS THE LOCAL COMMITTEE FOR THE PAYETTE RIVER RENTAL POOL

WHEREAS, section 42-1765, Idaho Code and subsections of IDAPA 37.02.030.40, Water Supply Bank Rule 40, authorizes the Idaho Water Resource Board to appoint local committees to facilitate the lease and rental of stored water within rental pools; and

WHEREAS, the Water District 65 Advisory Committee has requested to be reappointed as the local committee for the Payette River Rental Pool; and

WHEREAS, the Department of Water Resources has reviewed the local committee procedures and lease and rental forms and recommends the Idaho Water Resource Board reappoint the Water District 65 Advisory Committee as the local committee for the Payette River Rental Pool;

NOW THEREFORE BE IT RESOLVED that the Advisory Committee for Water District No. 65, Payette River, is reappointed as the local committee for the Payette River Rental Pool. This appointment is effective for a period of five (5) years from the date of this resolution or until amended or revoked by action of the Idaho Water Resource Board.

DATED this XX day of XXX, 2019.

____________________________________
ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST

___________________________________
VINCE ALBERDI, Secretary
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF RENEWING THE
APPOINTMENT OF THE WATER DISTRICT
NUMBER 65K ADVISORY COMMITTEE AS
THE LOCAL COMMITTEE FOR THE LAKE FORK
RENTAL POOL

RESOLUTION TO REAPPOINT A RENTAL
POOL LOCAL COMMITTEE

WHEREAS, section 42-1765, Idaho Code and subsections of IDAPA 37.02.030.40, Water
Supply Bank Rule 40, authorizes the Idaho Water Resource Board to appoint local committees to
facilitate the lease and rental of stored water within rental pools; and

WHEREAS, the Water District 65K Advisory Committee has requested to be reappointed
as the local committee for the Payette River Rental Pool; and

WHEREAS, the Department of Water Resources has reviewed the local committee
procedures and lease and rental forms and recommends the Idaho Water Resource Board
reappoint the Water District 65K Advisory Committee as the local committee for the Lake Fork
Rental Pool;

NOW THEREFORE BE IT RESOLVED that the Advisory Committee for Water District No.
65K, Lake Fork, is reappointed as the local committee for the Lake Fork Rental Pool. This
appointment is effective for a period of five (5) years from the date of this resolution or until
amended or revoked by action of the Idaho Water Resource Board.

DATED this XX day of XXX, 2019.

____________________________________
ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST ______________________________________
VINCE ALBERDI, Secretary

Resolution No. _____________
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF RENEWING THE
APPOINTMENT OF THE WATER DISTRICT
NUMBER 74 ADVISORY COMMITTEE AS THE
LOCAL COMMITTEE FOR THE LEMHI RIVER
BASIN RENTAL POOL

RESOLUTION TO REAPPOINT A RENTAL
POOL LOCAL COMMITTEE

WHEREAS, section 42-1765, Idaho Code and subsections of IDAPA 37.02.030.40, Water
Supply Bank Rule 40, authorizes the Idaho Water Resource Board to appoint local committees to
facilitate the lease and rental of stored water within rental pools; and

WHEREAS, the Water District 74 Advisory Committee has requested to be reappointed as
the local committee for the Lemhi River Basin Rental Pool; and

WHEREAS, the Department of Water Resources has reviewed the local committee
procedures and lease and rental forms and recommends the Idaho Water Resource Board
reappoint the Water District 74 Advisory Committee as the local committee for the Lemhi River
Basin Rental Pool;

NOW THEREFORE BE IT RESOLVED that the Advisory Committee for Water District No. 74,
Lemhi River, is reappointed as the local committee for the Lemhi River Basin Rental Pool. This
appointment is effective for a period of five (5) years from the date of this resolution or until
amended or revoked by action of the Idaho Water Resource Board.

DATED this XX day of XXX, 2019.

______________________________
ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST ____________________________
VINCE ALBERDI, Secretary

Resolution No. ____________
WATER DISTRICT 1

RENTAL POOL PROCEDURES
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RULE 1.0 LEGAL AUTHORITY
1.1 These procedures have been adopted by the Water District 1 Committee of Nine pursuant to Idaho Code § 42-1765.

1.2 These procedures shall not be interpreted to limit the authority of the Idaho Department of Water Resources, the Idaho Water Resource Board, or the Watermaster of Water District 1 in discharging their duties as prescribed by statute or rule.

1.3 These procedures shall be interpreted consistent with Idaho Code, rules promulgated by the Idaho Water Resource Board, relevant provisions of spaceholder contracts with the United States, and the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.

1.4 The operation of the rental pool shall in no way recognize any obligation to maintain flows below Milner or to assure minimum stream flows at the United States Geological Survey (USGS) gaging station on the Snake River near Murphy.

1.5 These procedures shall not be interpreted in any manner that is inconsistent with or would adversely impact or effect the rights of the Shoshone-Bannock Tribes as set out in the Fort Hall Agreement, the Blackfoot River Equitable Adjustment Settlement Agreement, and the 2015 Settlement Agreement between the Tribes and the Committee of Nine.

RULE 2.0 DEFINITIONS
2.1 Accounting Year: the Water District 1 accounting year that begins on November 1 and ends on October 31.

2.2 Acre-foot: a volume of water sufficient to cover one acre of land one foot deep and is equal to 43,560 cubic feet.

2.3 Administrative Fee: a fee of one dollar and thirty cents ($1.30) per acre-foot assessed on the total quantity of storage set forth in any rental or lease application, disbursed to the District at the end of the irrigation season.

2.4 Allocation: the amount of stored water, including carryover, that has accrued to a spaceholder’s storage space on the date of allocation that is available for the spaceholder’s use in the same accounting year.

2.5 Applicant: a person who files with the Watermaster an application, accompanied by the required fees, to rent or lease storage through the rental pool.

2.6 Assignment: storage provided by an assignor from the current year’s storage allocation for rental through the common pool pursuant to Rule 5.3.

2.7 Assignor: a participant who assigns storage to the common pool pursuant to Rule 5.3 and subject to Rule 7.5.
2.8 **Board:** the Idaho Water Resource Board (IWRB).

2.9 **Board Surcharge:** a surcharge equal to ten percent (10%) of the rental price or lease price assessed on the total quantity of storage set forth in any rental or lease application, disbursed to the Board at the end of the irrigation season.

2.10 **Bureau:** the United States Bureau of Reclamation (USBR).

2.11 **Committee:** the Committee of Nine, which is the advisory committee selected by the members of Water District 1 at their annual meeting and appointed as the local committee by the Board pursuant to Idaho Code § 42-1765.

2.12 **Common Pool:** storage made available to the Committee through participant contributions and/or assignments for subsequent rental pursuant to Rule 5.

2.13 **Date of Allocation:** the date determined each year by the Watermaster on which the maximum accrual to reservoir spaceholders occurs.

2.14 **Date of Publication:** the date on which the Watermaster publishes on the District website the storage allocation for the current accounting year.

2.15 **Department:** the Idaho Department of Water Resources (IDWR).

2.16 **District:** Water District 1 of the state of Idaho. The District is comprised of the Snake River and tributaries with Basins 01, 21, 22, 23, and 25 points of diversion.

2.17 **Impact Fee:** a fee added to the rental price for non-spaceholder rentals pursuant to Rule 5.5.107.

2.18 **Impact Fund:** a fund maintained by the Watermaster for the mitigation of computed impacts to participants pursuant to Rule 7.3.

2.19 **Infrastructure Fee:** a fee of five dollars ($5.00) per acre-foot assessed on all storage rented through the common pool for purposes below Milner, excluding flow augmentation, disbursed to the Infrastructure Fund at the end of the irrigation season.

2.20 **Infrastructure Fund:** a fund maintained by the Watermaster for the purposes outlined in Rule 4.5.

2.21 **Lease:** a written agreement entered into between a lessor and lessee to lease storage through the rental pool pursuant to Rule 6.

2.22 **Lease Price:** a price per acre-foot negotiated between a lessor and lessee as set forth in a lease agreement.

2.23 **Lessee:** a person who leases storage from a participant under a lease.

2.24 **Lessor:** a participant who leases storage to a person under a lease pursuant to Rule 6 and subject to Rule 7.6.
2.25 **Milner:** Milner Dam on the Snake River.

2.26 **Milner Spill:** water in excess to the amount that can be captured in the reservoir system flowing past Milner dam that is not storage being delivered under Idaho Power’s American Falls storage water right or other storage that is otherwise authorized pursuant to these rules.

2.27 **Net Price:** the average price per acre-foot of all rentals from the common pool, including flow augmentation, but excluding rentals of assigned storage.

2.28 **Net Proceeds:** the net price times the number of acre-feet rented from the common pool, excluding rentals of assigned storage.

2.29 **Participant:** a spaceholder who contributes storage to the common pool pursuant to Rule 5.2.

2.30 **Participant Contributions:** storage made available to the common pool by participants, with computed impacts accounted from next year’s reservoir fill, which forms the supply for large rentals, small rentals, and flow augmentation, subject to the limitations in Rule 5.2.

2.31 **Person:** an individual, corporation, partnership, irrigation district, canal company, political subdivision, or governmental agency.

2.32 **Rent:** the rental of storage from the common pool.

2.33 **Rental Pool:** the processes established by these procedures for the rental and/or lease of storage, mitigation of computed impacts to spaceholders, and disposition of revenues.

2.34 **Rental Pool Subcommittee:** a subcommittee composed of the Watermaster (advisor), a designated representative from the Bureau (advisor), and three or more members or alternates of the Committee who have been appointed by the chairman of the Committee.

2.35 **Rental Price:** the price per acre-foot of storage rented from the common pool, as set forth in Rule 5.5, excluding the administrative fee, the Board surcharge, and the infrastructure fee.

2.36 **Renter:** a person who rents storage from the common pool.

2.37 **Reservoir System:** refers to American Falls, Grassy Lake, Henrys Lake, Island Park, Jackson Lake, Lake Walcott, Milner Pool, Palisades, and Ririe.

2.38 **Space:** the active capacity of a reservoir measured in acre-feet.

2.39 **Spaceholder:** the holder of the contractual right to the water stored in the space of a storage facility within the Reservoir System.

2.40 **Storage:** the portion of the available space that contains stored water.

2.41 **Watermaster:** the watermaster of Water District 1.
2.42 **Water Supply Forecast:** the forecasted unregulated runoff for April 1 to September 30 at the Heise USGS gaging station, referred to in Table 1.

**RULE 3.0 PURPOSES**

3.1 The primary purpose of the rental pool is to provide supplemental irrigation water to spaceholders for the irrigation of within the District land with an existing primary irrigation water right and to maintain a rental pool with sufficient incentives such that spaceholders supply, on a voluntary basis, an adequate quantity of storage for rental or lease pursuant to procedures established by the Committee. These procedures are intended to assure that participants have priority over non-participants and non-spaceholders in renting storage through the rental pool and the use of the storage occurs within the District.

3.2 To maintain adequate controls, priorities, and safeguards to insure that existing water rights are not injured and that a spaceholder’s allocation is not impacted without his or her consent. To compensate an impacted spaceholder to the extent the impact can be determined by the procedures developed by the District.

3.3 To generate revenue to offset the costs of the District to operate the rental pool and to fund projects that fall within the parameters of Rule 4.5.

3.4 To provide storage water at no cost under Rule 5.5 for the benefit of the Tribes consistent with the terms of the Blackfoot River Equitable Adjustment Settlement Agreement and the 2015 Settlement Agreement. Discussions are ongoing to identify the party responsible for mitigating impacts to the Tribes. Nothing in these Procedures should be construed as an admission of liability by Water District 1 or the Committee of Nine.

3.5 To the extent available and to insure that the water is available to stabilize the ESPA and water supplies within the District, and to address new demands for water from the District storage supply from both inside and outside the District, the following shall apply: Subject to annual review and commencing in 2019, a moratorium on all leases and rentals that deliver water to new lands, new uses, diversions, or new water rights which have not historically had water delivered from Water District 1 prior to January 1, 2019 inside or outside the District shall be in place, excluding small rentals under rule 5.2.104 within the District’s point of diversions. The Committee Resolution 51 subcommittee shall commence discussions in 2019 to address the issues associated with this moratorium and attempt a permanent resolution.

**RULE 4.0 MANAGEMENT**

4.1 **Manager.** The Watermaster shall serve as the manager of the rental pool and shall take all reasonable actions necessary to administer the rental pool consistent with these procedures, which include, but are not limited to:

(a) Determining impacts pursuant to Rule 7;

(b) Calculating payments to participating spaceholders as prescribed by Rules 5.2 and 7.3;

(c) Accepting storage into the common pool and executing rental agreements on behalf of the Committee;

(d) Disbursing and investing rental pool monies with the advice and consent of the Rental Pool Subcommittee; and
(e) Taking such additional actions as may be directed by the Committee.

4.2 **Rental Pool Subcommittee.** The Rental Pool Subcommittee shall exercise the following general responsibilities:
(a) Review these procedures and, as appropriate, make recommendations to the Committee for needed changes;
(b) Review reports from the Watermaster regarding rental applications, storage assignments to the common pool, and leases of storage through private leases;
(c) Advise the Committee regarding rental pool activities;
(d) Develop recommendations for annual common pool storage supplies and rental rates;
(e) Assist the Watermaster in resolving disputes that may arise from the diversion of excess storage; and
(f) Assume such additional responsibilities as may be assigned by the Committee.

4.3 **Applications**

4.3.101 Applications to rent or lease storage through the rental pool shall be made upon forms approved by the Watermaster and shall include:
(a) The amount of storage sought to be rented or leased;
(b) The purpose(s) for which the storage will be put to beneficial use;
(c) The lease price (for private leases); and
(d) To the extent practicable at the time of filing the application, the point of diversion identified by legal description and common name; and a description of the place of use.

4.3.102 **Application Acceptance.** Applications are not deemed accepted until received by the Watermaster together with the appropriate fees required under Rules 5.5 (rentals) or 6.4 (leases).

4.3.103 **Application Approval.** An application accepted under Rule 4.3.102 shall be approved after the Watermaster has determined that the application is in compliance with these procedures and sufficient storage will be available from the common pool and/or lessor to provide the quantity requested in the application. Upon approval of the application, the Watermaster shall send notice to the renter/lessor/lessee and entity owning the point-of-diversion designated in the application of such approval and allocation of storage; provided, however, no allocation of storage shall be made until the applicant designates the point of diversion and place of use of the rented and/or leased storage in the application or pursuant to Rule 4.3.106.

4.3.104 **Timeframe for having Rental Application Accepted to Preserve Rental Priority.** Applications to rent storage will not be accepted until April 5 of the year in which the storage will be used. Applications must be accepted by the Watermaster within 15 days following the date of publication to preserve the applicant’s priority under Rule 5.4.101.

4.3.105 **Deadline for Accepting Applications to Rent or Lease Storage.** All applications to rent or lease storage must be accepted by the Watermaster pursuant to Rule 4.3.102 on or before December 1 in order for the storage identified in such applications to be accounted for as having been diverted prior to October 31 of the same year. Applications accepted after December 1 will be accounted for
from storage supplies in the following calendar year, unless an exception is granted by the Rental Pool Subcommittee.

4.3.106 *Deadline to Designate Point of Diversion and Place of Use.* If the point of diversion and/or place of use of the rented and/or leased storage was not previously designated in the application, the renter and/or lessee must make such designation in writing to the Watermaster on or before December 1 of the same year, unless an extension is granted by the Rental Pool Subcommittee. Failure to comply with this provision shall cause any unused storage to automatically revert back to the common pool and/or lessor, respectively.

4.3.107 *Deadline to Use Rental or Lease Storage.* Approved applications pursuant to Rule 4.3 or water leased through a private lease, must be used and diverted on or before December 1 of the same year.

4.4 **Rental Pool Account**

4.4.101 All monies submitted by applicants shall be deposited in an interest-bearing account known as the “Rental Pool Account” and maintained by the Watermaster on behalf of the Committee. Monies in the Rental Pool Account will be disbursed to participants, the District, the Board, the Impact Fund, and the Infrastructure Fund in the proportions set forth in these Rules. Accrued interest to the Rental Pool Account shall be used to maintain the Impact Fund. Rental Pool Funds shall be considered public funds for investment purposes and subject to the Public Depository Law, Chapter 1, Title 57, Idaho Code.

4.4.102 Monies deposited in the Rental Pool Account are non-refundable to the extent the rental and/or lease application is approved pursuant to Rule 4.3.103, regardless of whether the storage is used.

4.5 **Infrastructure Fund**

4.5.101 Monies in the Infrastructure Fund may only be used to fund District costs of projects relating to improvements to the District’s distribution, monitoring, and gaging facilities, and other District projects designed to assist in the adjudication, which includes the cost of Blackfoot River Equitable Adjustment Settlement Water, if any is required, conservation, or efficient distribution of water.

4.5.102 Disbursements from the Infrastructure Fund are subject to two-thirds (2/3) Committee approval.

4.5.103 If monies in the Infrastructure Fund accrue to one million dollars ($1,000,000.00), the infrastructure fee shall be waived and the same amount (five dollars ($5.00)) added to the rental price in Rule 5.5.105.

4.5.104 Monies in the Infrastructure Fund may be carried over from year to year.

**RULE 5.0 COMMON POOL**

5.1 **Scope.** The common pool consists of storage made available to the Committee through participant contributions and assignments. Participants make all of their storage available to the common pool pursuant to the terms of Rule 5.2, with computed impacts accounted...
from next year’s reservoir fill. Assignors provide storage to the common pool, pursuant to Rule 5.3, by assigning a portion of their current year’s storage allocation. Rentals from the common pool are subject to the priorities and prices established under this Rule.

5.2 Participant Contributions

5.2.101 Participants. Any spaceholder may, upon submitting written notice to the Watermaster prior to March 15, 2016, elect to contribute storage to the common pool. Any spaceholder making such election shall be deemed a “participant” for the current year and every year thereafter until the spaceholder provides written notice to the Watermaster prior to March 15, 2016, rescinding its participation. Upon election to participate, a spaceholder is eligible for all the benefits of a participant set forth in these procedures, excluding monetary payment for rentals or computed impacts associated with rentals from the prior year. If after March 15, 2016, less than seventy-five percent (75%) of the contracted storage space is committed to the common pool by participants, the Committee shall revise the rental pool procedures as necessary prior to April 1.

5.2.102 Non-Participants. Spaceholders who are not participants shall not be entitled to supply storage to, or rent storage from, the common pool, or supply or lease storage through a private lease. Notwithstanding this restriction, the Bureau may rent water from the common pool for flow augmentation pursuant to Rule 5.2.105.

5.2.103 Large Rentals. The common pool will make available from participant contributions 50,000 acre-feet of storage for rentals, plus any assigned storage, subject to the priorities and limitations set forth in Rule 5.

5.2.104 Small Rentals. The common pool will make available from participant contributions 5,000 acre-feet for rentals of 100 acre-feet or less per point of diversion, subject to the priorities and limitations set forth in Rule 5. Rentals from the small pool shall only be considered for approval following submittal of written consent from the operator of the delivery system. The Committee may approve on a case-by-case basis the additional rental of storage under this provision to exceed the 100 acre-feet limitation. The 100 acre-feet limitation per point of diversion does not apply if the rental is supplied pursuant to Rule 5.2.103.

5.2.105 Flow Augmentation

(a) Table 1. The amount of storage, from participant contributions to the common pool, available for rental for flow augmentation shall be determined by Table 1.

(b) Extraordinary Circumstances. A greater amount of storage may be made available by the Committee, if it determines on or before July 1 that extraordinary circumstances justify a change in the amount of storage made available for flow augmentation. The Bureau and Committee shall also consider on years when Milner spill occurs, the preservation of Uncontracted and Powerhead storage for use in subsequent years.
5.2.106  *Shoshone-Bannock Tribes.* The Tribes shall be treated as non-participants unless written notice is provided under 5.2.101.

(a)  *Blackfoot River Equitable Adjustment Settlement Agreement Water.* Storage water not to exceed 20,000 acre-feet shall be made available in accordance with the terms of the Blackfoot River Equitable Adjustment Settlement Agreement. The source and funding of the storage water shall be determined by the Committee at its June meeting. Administrative fees shall be paid by Water District 1.

(b)  *2015 Settlement Agreement.* Storage water not to exceed 10,000 acre-feet (except with the approval of the Committee of Nine) shall be made available in accordance with the terms of the 2015 Settlement Agreement from the current year’s Common Pool prior to providing any rental under the priorities of Rule 5.4.101. Administrative fees shall be paid by Water District 1. Discussions are ongoing to identify the party responsible for mitigating impacts to the Tribes. Nothing in these Procedures should be construed as an admission of liability by Water District 1 or the Committee of Nine.

5.2.107  *Additional Quantities.* In the event rental requests from participants impacted from the prior year’s rentals exceed 50,000 acre-feet and insufficient storage has been assigned to the common pool to meet such additional requests, the maximum amount of storage that will be available through the common pool will be equivalent to the amount necessary to meet the demand of those shown to have been impacted from the prior year’s rentals.

5.2.108  *Participant Payments.* Monies collected through the rental of the participant contribution portion of the common pool, including flow augmentation, shall be disbursed as follows:

(a) seventy percent (70%) of the Net Proceeds disbursed to participants; and

(b) thirty percent (30%) of the Net Proceeds disbursed to the Impact Fund.

5.2.109  *Participant Payment Formula.* Participants will receive payment for storage rented from the participant contribution portion of the common pool pursuant to the following payment formulas:

\[
\text{1}\text{st Installment} = \frac{(R \times SP)}{TSP} / 2 \\
\text{2}\text{nd Installment} = \frac{(R \times ST)}{TST} / 2
\]

- \(R\) = 70% of net proceeds
- \(SP\) = Space of participants
- \(ST\) = Storage of participants based on the preliminary storage allocation for the following year
- \(TSP\) = Total participating space in system
- \(TST\) = Total participating storage in system based on the preliminary storage allocation for the following year

If a specific reservoir’s allocation has been reduced as a result of flood-control operations, the \(ST\) and \(TST\) values in the above formula for those reservoir spaceholders will reflect the values that otherwise would have occurred without any reductions for flood-control.
5.2.110  **Timing of Payments.** Payments to participants will be made in two installments. The first installment will be paid to participants immediately following the irrigation season in which the proceeds were collected. The second installment will be paid to participants within two weeks of the date of publication for the following irrigation season.

5.3  **Assignments**

5.3.101  **Assignors.** Any participant may assign storage to the common pool. An assignment of storage shall be made in writing on forms approved by the Watermaster.

5.3.102  **Purposes.** Storage assigned to the common pool may be rented only for purposes above Milner.

5.3.103  **Limitations.** Storage assigned to the common pool may be rented only after the participant contributions to the common pool have been rented. A participant may not assign storage and rent storage in the same accounting year unless an exception is granted by the Rental Pool Subcommittee.

5.3.104  **Assignor Payment.** The assignor shall receive one-hundred percent (100%) of the rental price per acre-foot of the assigned storage that is rented.

5.3.105  **Distribution of Assigned Storage.** Assignments can only be made between April 5 and 15 days after the date of publication in the year in which the storage is to be rented. Assignments shall initially be distributed on a pro-rata basis, with each pro-rata share based on the amount of storage assigned or 10% of the assignor’s storage space, whichever is less. If, after this initial distribution, additional rental requests exist, the remaining assigned storage shall be distributed on a pro-rata basis.

5.4  **Priorities for Renting Storage**

5.4.101  **Priorities.** Storage rented from the common pool shall be pursuant to the following priorities:

(a)  **First Priority.** Rentals by participants whose storage is determined to have been impacted by the prior year’s rental from the common pool not to exceed the amount of the computed impact.

(b)  **Second Priority.** Rentals by participants for agricultural purposes up to the amount of their unfilled space.

(c)  **Third Priority.** Rentals by participants for any purposes above Milner in excess of their unfilled space. Applications for such rentals will be reviewed by the Committee and may be approved on a case-by-case basis.

(d)  **Fourth Priority.** Rentals by non-spaceholders for any purposes **within the District above Milner.**

5.4.102  **Priority for Late Applications.** Applications received after the deadline set forth in Rule 4.3.104 will be deemed last in priority and will be filled in the order they are received, only after all timely applications have been filled.

5.4.103  **Distribution Within Priority Classes.** If rental supplies are not sufficient to satisfy all of the timely applications within a priority class (those received within
15 days of the date of publication), the available rental supplies will be distributed to the applicants within that priority class on a pro-rata basis.

5.4.104 **Priority for Small Rentals.** Small rentals made pursuant to Rule 5.2.104 are not subject to the priorities set forth in Rule 5.4.101 and will be approved in the same order in which the rental applications are received by the Watermaster, so long as the total amount of all such applications does not exceed 5,000 acre-feet.

5.4.105 **Priority for Flow Augmentation.** Rentals for flow augmentation are not subject to the priorities set forth in Rule 5.4.101 and shall be determined pursuant to Rule 5.2.105.

5.5 **Rental Prices**

5.5.101 **Tier 1:** If the storage system fills, the rental price for purposes above Milner shall be $7.00 per acre-foot.

5.5.102 **Tier 2:** If the storage system does not fill but storage is provided for flow augmentation pursuant to Rule 5.2.105(a), the rental price for purposes above Milner shall be $17.00 per acre-foot.

5.5.103 **Tier 3:** If the storage system does not fill and no flow augmentation water is provided pursuant to Rule 5.2.105(a), the rental price for purposes above Milner shall be $25.00 per acre-foot.

5.5.104 **Determination of Tier 1, 2 or 3 Rental Price:** Unless the storage system has filled, the Watermaster shall designate on or before April 5 either Tier 2 or Tier 3 as the rental price for above-Milner rentals. If at any time during the same accounting year, the storage system should subsequently fill, the Watermaster shall designate Tier 1 as the rental price for above-Milner rentals and refund any excess rental fees within 30 days after the date of publication.

5.5.105 **Tier 4:** The rental price for storage rented for flow augmentation shall be $17.00 per acre-foot.

5.5.106 **Tier 5:** The rental price for storage rented for purposes below Milner, excluding flow augmentation, shall be negotiated between the applicant and the rental pool sub-committee.

5.5.107 **Fees & Surcharges.** There shall be added to the rental price for all rentals the administrative fee and Board surcharge. There shall also be added to the rental price for rentals pursuant to fourth priority Rule 5.4.101(d) and rentals to non-spaceholders pursuant to Rule 5.2.104 an impact fee to mitigate the computed impacts under Rule 7 from such rentals, payable as follows: The exact amount which is to be set and paid when the full impacts of such rentals, based upon the following year's Common Pool rental price, are determined under said Rule 7, including all additional fees and surcharges. Payment shall then be due and payable on or before 60 days from the day of allocation. There shall also be added to the rental price for rentals below Milner, excluding flow augmentation, the infrastructure fee. Failure of a non-spaceholder to timely pay the fees identified above, shall result in the non-spaceholder's ineligibility to rent water.
in the future. Such failure to pay shall also subject the non-spaceholder to such legal actions as allowed under state law in the collection of fees.

5.5.108 Storage System Fill. For purposes of Rule 5.5 only, the storage system is considered full when all storage rights are filled in Jackson Lake, Palisades (except for powerhead), American Falls, and Island Park.

5.6 Limitations. A participant cannot rent water from the Common Pool if the participant is replacing storage space or water which has been evacuated due to an assignment to or private lease through the Water District 1 Rental Pool, unless an exception is granted by the Committee.

RULE 6.0 PRIVATE LEASES

6.1 General. All leases must be transacted through the rental pool. Only participants may lease storage to a Lessee subject to the provisions of these rules.

6.2 Purposes. Storage may be leased through the rental pool only for beneficial use purposes above Milner. A participant may not lease storage to a lessee and rent storage from the common pool in the same accounting year unless an exception is granted by the Rental Pool Subcommittee.

6.3 Payment to Lessor. The lessor shall receive one-hundred percent (100%) of the lease price.

6.4 Fees & Surcharges. There shall be added to the lease price the administrative fee and the Board surcharge.

6.5 Non-Applicability to Common Pool. Storage leased pursuant to this rule does not count against the participant contribution volumes set forth in Rule 5.2.

6.6 Recharge. All storage used for the purpose of recharge must be transacted through the rental pool. Unless storage is rented pursuant to Rule 5.0, storage used for recharge, whether diverted by the storage spaceholder or another person, will be treated as a lease of storage.

6.7 Idaho Water Resource Board (IWRB) Storage. Notwithstanding the limitations set forth in Rules 6.1 and 6.2, the IWRB may lease its existing storage (up to 5,000 acre-feet) to Idaho Power and have it released past Milner for the purpose of mitigating minimum flows at Murphy. The administrative fee must be paid by the IWRB for any storage used for such purpose.

6.8 Lease of Storage from Bureau Uncontracted (non-powerhead) Space. Notwithstanding the limitations set forth in Rules 6.1 and 6.2, the Bureau may lease storage from its uncontracted (non-powerhead) space for flow augmentation as identified in Appendix III of the – Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.

6.9 Lease of Storage from Bureau Powerhead Space. Notwithstanding the limitations set forth in Rules 6.1 and 6.2, the Bureau may lease storage from its powerhead space for flow augmentation as identified in III.C.7 of the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.
RULE 7.0 IMPACTS

7.1 Determination. In any year in which the storage rights in the reservoir system do not fill, the Watermaster will determine the actual computed impacts to spaceholders, if any, associated with the prior year’s rentals and leases. In making this determination, the Watermaster will use a procedure which identifies the following:
(a) What each computed reservoir fill would have been had the previous year’s rentals and leases not taken place;
(b) The storage space from which rented or leased storage was actually supplied for the previous year’s rental or lease; and
(c) The amount of storage each spaceholder’s current allocation was reduced by the previous year’s rental or lease activities.

7.2 Milner Spill. There are no computed impacts resulting from the previous and current year’s rentals or leases used prior to Milner spill ceasing when the use of those rentals or leases result in reducing the spill from the reservoir system prior to the current year’s Date of Allocation, as determined by the Watermaster.

7.3 Impacts to Participants due to Rentals from the Common Pool (excluding assignments)

7.3.101 Payments to Impacted Participants Using Impact Fees. Participants whose storage allocation has a computed impact from the prior year’s rental of storage from the common pool, excluding assignments, shall first receive payment from impact fees collected pursuant to Rule 5.5.107 from the previous year’s fourth priority rentals. The amount of impact fees disbursed to impacted participants will be proportional to the total common pool rental, including flow augmentation rentals that occurred during the prior year:

\[
\text{Impact Fee Payment} = (Isp \times RP) \times \left(\frac{Fp}{Cp}\right)
\]

- \(Isp\) = Participants computed impacted space in current year
- \(RP\) = Rental Price in current year
- \(Fp\) = Fourth priority rentals in prior year
- \(Cp\) = Total common pool rentals (including flow augmentation) in prior year

Payment to spaceholders for the impacts by non-spaceholders pursuant to 7.3.101 shall be paid from the balance remaining in the impact fund after payments are made pursuant to 7.3.102, which shall then be reimbursed pursuant to Rule 5.5.107.

7.3.102 Remaining Impact Payment. Participants whose storage allocation has a computed impact from the prior year’s rental of storage from the common pool, excluding assignments, will also receive payment from the Impact Fund (in addition to the Impact Fee Payment pursuant to Rule 7.3.101) equal to the lesser value of the two following formulas:

\[
\text{Remaining Impact Payment} = \begin{cases} 
(Isp \times RP) - \text{Impact Fee Payment} & \text{if } (Isp \times RP) - \text{Impact Fee Payment} > 0 \\
\frac{1}{2} \times IF \times (Isp/Ispt) - \text{Impact Fee Payment} & \text{if } \frac{1}{2} \times IF \times (Isp/Ispt) - \text{Impact Fee Payment} > 0 
\end{cases}
\]

- \(IF\) = Impact Factor
- \(Ispt\) = Spaceholder’s computed space in prior year

Payment to participants for the impacts by non-spaceholders pursuant to 7.3.101 shall be paid from the balance remaining in the impact fund after payments are made pursuant to 7.3.102, which shall then be reimbursed pursuant to Rule 5.5.107.
Isp  = Participant’s computed impacted space in acre-feet
RP  = Rental Price
IF  = Impact Fund
Ispt = Total of all Participants’ computed impacted space in acre-feet

7.3.103  *Timing of Payment.* Impact payments, which will be based on preliminary data, will be made to participants on or before July 15.

7.4  **Impacts to Non-Participants due to Rentals from the Common Pool (excluding assignments).** If the prior year’s rental of storage from the common pool caused computed impacts to non-participants as determined by the Watermaster, the current year’s Common Pool shall be reduced to supply such impacts to non-participants (at no cost to non-participants) prior to providing any rental under the priorities of Rule 5.4.101.

7.5  **Impacts to Spaceholders due to all other leases.** If the lease of storage pursuant to leases under Rules 5.3, 6, 8, and 9.3 caused computed impacts, as determined by the Watermaster, the lessor’s storage allocation shall be reduced by an amount equal to such computed impacts, not to exceed the quantity of storage leased by the Lessor, and reallocated to mitigate computed impacts to affected spaceholders. Refill of lessor’s storage space shall occur in the following priorities:

(a) Assigned storage under Rule 5.6, private leases above Milner, and IWRB storage used for mitigating minimum flows at Murphy under Rule 6.7. This reallocation will only occur in the year following the lease of storage.
(b) Bureau uncontracted storage under Rule 6.8 until the lessor’s affected space fills.
(c) Subject to review by the Committee in 2019. Supplemental Pool leases under Rule 8.0 shall be computed the same as was in 2018 as outlined in Rule 8.7
(d) Bureau Powerhead storage under Rule 6.9 shall be the last space to refill after all other space in reservoirs in Water District 1 until the lessor’s affected space fills as identified in III.C.7.c. of the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.

7.5  **Impacts to Spaceholders due to Rental of Assigned Storage.** If the rental of assigned storage caused computed impacts, as determined by the Watermaster, the assignor’s storage allocation shall be reduced by an amount equal to such computed impacts, not to exceed the quantity of storage assigned by the assignor, and reallocated to mitigate computed impacts to affected spaceholders. This reallocation will only occur in the year following the rental of assigned storage.

7.6  **Impacts to Spaceholders due to Private Leases Above Milner.** If the lease of storage pursuant to a private lease caused computed impacts, as determined by the Watermaster, the lessor’s storage allocation shall be reduced by an amount equal to such computed impacts, not to exceed the quantity of storage leased by the Lessor, and reallocated to mitigate computed impacts to affected spaceholders. This reallocation will only occur in the year following the lease of storage.

7.7  **Impacts to Spaceholders due to Private Leases Below Milner.** If a lease of storage pursuant to Rule 6.8 caused computed impacts, as determined by the Watermaster, the lessor’s storage allocation shall be reduced by an amount equal to such computed impacts, not to exceed the quantity of storage leased by the lessor, and reallocated to mitigate computed impacts to affected spaceholders until the lessor’s affected space fills under a
priority junior to that required to fill space under Rule 7.6 but senior to that required to fill Palisades powerhead space.

7.8—Impacts to Spaceholders Resulting from USBR Powerhead Private Lease. Consistent with the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement, powerhead space used for flow augmentation shall be the last space to refill after all other space in reservoirs in that water district, including other space used to provide flow augmentation, in the basin has filled;

7.9—Impacts to Spaceholders Resulting from Release of Idaho Water Resource Board (IWRB) Storage Used for Mitigating Minimum Flows at Murphy. If the release of IWRB storage past Milner caused computed impacts, as determined by the Watermaster, the IWRB storage allocation shall be reduced by an amount equal to such computed impacts, not to exceed the quantity of storage released, and reallocated to mitigate computed impacts to affected spaceholders.

RULE 8.0. SUPPLEMENTAL POOL

8.1 Purpose. To provide a voluntary mechanism for the lease of storage water below Milner for flow augmentation, water quality, minimum flows at Murphy, or hydropower generation within the state of Idaho when storage water supplies, as a result of hydrologic, climate and other conditions, are sufficient to satisfy above Milner uses and Water District 01 commitments for flow augmentation. A supplemental pool shall be created in order to mitigate for computed impacts associated with leases below Milner, consistent with the Idaho Water Resource Board’s policy to establish an effective water marketing system consistent with state law and assuring the protection of existing water rights while accommodating the purchase, lease or conveyance of water for use at Idaho Power’s hydroelectric facilities, including below Milner Dam.

8.2 Annual Authorization Required—Annual Authorization— In order to further ensure the reliability of flow augmentation and provide the opportunity to lease water to generate funding of aging infrastructure projects without impacting individual spaceholder fill, each year beginning in 2019 until December 31, 2029, 10,000 ac-ft of storage may be leased through the Supplemental Pool for the purposes described herein. After the Bureau certifies that it has sufficient flow augmentation supplies for the year or that storage to be released past Milner will count toward flow augmentation. However, no storage may be leased through the supplemental pool until the Committee on or after April 1 of each year authorizes use of the pool and the Committee is satisfied that the goals and terms of the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement are met to provide sufficient flow augmentation supplies for the year or that storage to be released past Milner will count toward flow augmentation.

(a) Should the Bureau fail to certify that sufficient flow augmentation water has been rented to satisfy its annual flow augmentation requirement for the Upper Snake, it shall have first priority to rent the supplemental pool water at the rate agreed to by the Committee for supplemental pool leases.

(a) Mitigation Inc. shall have the right to lease the first 10,000 ac-ft of supplemental pool water under Rule 8.0, as approved annually by the Committee at the first Committee of Nine meeting following the Water District One annual meeting in April. Mitigation Inc shall provide to the Committee a report summarizing the expenditure of revenue from
the annual lease(s) by December 31, 2023. If the Committee determines that the preference granted Mitigation Inc. is no longer justified, the Committee may terminate said preference. The preference granted Mitigation Inc pursuant to this Rule shall sunset on December 31, 2029. The 10,000 ac-ft preference shall only be applied once per year.

(b) Additional leases of storage in excess of 10,000 ac-ft may be authorized annually by the Committee pursuant to Rule 8.0. If Mitigation Inc. supplies 10,000 ac-ft to the supplemental pool pursuant to 8.2(ba), Mitigation Inc. shall be permitted to supply a pro-rata share of any additional amount made available to the supplemental pool exceeding the initial 10,000 ac-ft. If Mitigation Inc. does not supply 10,000 ac-ft pursuant to 8.2(ba), Mitigation Inc. shall be permitted to supply a pro-rata share of its storage to the supplemental pool along with other spaceholders supplying storage to the supplemental pool.

No storage may be leased through the supplemental pool until the Committee on or after April 1 of each year authorizes use of the pool and the Bureau certifies that it has sufficient flow augmentation supplies for the year or that storage to be released past Milner will count toward flow augmentation.

8.3 Quantity and Price Determinations.

8.3.101 Quantity Determination. The maximum quantity of storage authorized to be leased through the supplemental pool shall be determined annually by the Committee taking into account the advice and recommendation of the Rental Pool Subcommittee, together with current and forecasted hydrological conditions and estimated demand on the rental pool for above Milner uses.

8.3.102 Price Determination. The Committee shall authorize the leasing of water, including price pursuant to Rule 8 after taking into account spaceholder needs and current market conditions for power generation. There shall be added to the lease price the board surcharge and not to exceed a $1.80 per acre-foot administrative fee associated with the development and implementation of the supplemental pool, assessed on the total quantity of storage set forth in any lease application approved or conditionally approved under Rule 8.4.

8.3.103 Subsequent Quantity and Price Determinations. If within the same accounting year, the Committee subsequently determines based on the criteria set forth in Rule 8.3.101 that additional opportunities exist for utilizing the use of water within Idaho through the supplemental pool consistent with Rule 8.1, it shall designate such additional maximum quantity authorized to be leased through the supplemental pool and identify a separate lease price for such additional quantity pursuant to Rule 8.3.102.

8.4 Application to Lease Storage from the Supplemental Pool.

8.4.101 Applications to lease storage from the supplemental pool for hydropower purposes shall be made upon forms approved by the Watermaster and shall include:

(a) The amount of storage sought to be leased;
(b) The lease price with associated fees as identified by the Committee under Rule 8.3.102;
(c) The point of diversion identified by legal description and common name; and
(d) A description of the place of use.

8.4.102 Application Acceptance. Applications are not deemed accepted until received by the Watermaster together with the appropriate fees required under Rule 8.3.102.

8.4.103 Application Approval. An application accepted under Rule 8.4.102 shall be approved after the Watermaster has determined that the application is in compliance with these procedures and sufficient storage will be available from the supplemental pool to provide the quantity requested in the application; provided, however, if the date of publication has not yet occurred, approval of the application shall be conditioned on the ability of spaceholders who have contracted to lease storage through the supplemental pool to have a sufficient storage allocation during the accounting year to satisfy their contracts approved under Rule 8.5.104. Upon approval or conditional approval of the application, the fees collected from the applicant shall be non-refundable to the extent of the total quantity of storage approved or conditionally approved in supplemental pool lease contract(s) under Rule 8.5.104. The Watermaster shall provide notice of such approval.

8.4.104 Deadline for Accepting Applications. All applications to lease storage from the supplemental pool must be accepted by the Watermaster pursuant to Rule 8.4.102 not later than October 31 in order for the storage identified in such applications to be accounted for as having been diverted as of October 31 of the same year. Applications accepted after October 31 will be accounted for from storage supplies in the following calendar year, unless an exception is granted by the Rental Pool Subcommittee.

8.5 Supplemental Pool Supply.

8.5.101 Notice to Spaceholders of Opportunity to Lease Storage through the Supplemental Pool. The Watermaster shall provide notice of the supplemental pool on the Water District 1 website, which shall include the following information:
(a) The maximum quantity of storage authorized to be leased through the supplemental pool;
(b) The lease process, including price and deadlines as authorized by the Committee;
(c) Instructions for spaceholders interested in leasing storage through the supplemental pool, including instructions for executing a standardized supplemental pool lease contract; and
(d) The deadline, as set by the Committee, for the Watermaster to receive supplemental pool lease contracts from spaceholders interested in leasing storage through the supplemental pool.

8.5.102 Supplemental Pool Lease Contracts. Spaceholders interested in leasing storage through the supplemental pool shall execute a standardized supplemental pool lease contract, which shall be provided by the Watermaster and include provisions for the following:
(a) Limit eligibility to lease storage through the supplemental pool only to spaceholders who qualify as participants under Rule 2.27;
(b) The quantity sought to be leased by the spaceholder may be any amount, except that the total amount of storage leased pursuant to Rule 8 may not exceed either the maximum quantity set by the Committee under Rule
8.3.101 or 10% of the spaceholder’s total reservoir system space, unless an exception is approved by the Rental Pool Subcommittee;
(c) The quantity actually leased by the spaceholder may be reduced depending upon the number of spaceholders who elect to lease storage through the supplemental pool as provided in Rule 8.5.103;
(d) That, in the event the spaceholder elects to sign a standard pool lease contract before the date of publication, the spaceholder assumes the risk that its storage allocation may be less than the spaceholder anticipated; and
(e) Notice to the spaceholder that if the spaceholder’s lease through the supplemental pool causes computed impacts, the mitigation required under Rule 8.7 will result in an amount of the spaceholder’s space, not to exceed the quantity of storage leased by the spaceholder, being assigned a junior priority which may not fill for multiple consecutive years, an accounting commonly referred to as “last to fill.”

8.5.103 Distribution of Storage to the Supplemental Pool. If, following the deadline for receipt of executed supplemental pool lease contracts, the Watermaster determines that the total quantity of storage sought to be leased through the supplemental pool exceeds the quantity limitation established under Rule 8.3, then the Watermaster shall reduce the quantity of each supplemental pool lease contract to a pro rata share based on the amount of storage sought to be leased by each spaceholder. The Watermaster shall amend the supplemental pool lease contract(s) to reflect any reduced quantity required by this provision.

8.5.104 Lease Contract Approval. Following receipt of a supplemental pool lease contract, the Watermaster shall determine whether the contract is in compliance with these procedures, and, if so, shall approve the same; provided, however, if the date of publication has not yet occurred, approval of the contract shall be conditioned on the spaceholder having a sufficient storage allocation during the accounting year to satisfy the contract.

8.6 Notice of Contract Approval and Payment to Lessors. The lessors shall receive one-hundred percent (100%) of the lease price apportioned according to the quantity of storage each lessor leased through the supplemental pool. The Watermaster shall notify spaceholder(s) who submitted supplemental pool lease contracts of the approved amount and distribute the funds to the lessors within 30 days following approval or conditional approval of an application under Rule 8.4.103.

8.7 Mitigation of Impacts. If a lease of storage through the supplemental pool caused computed impacts, as determined by the Watermaster, the lessor’s storage allocation shall be reduced by an amount equal to such computed impacts, not to exceed the quantity of storage leased by the lessor, and reallocated to mitigate computed impacts to affected spaceholders until the lessor’s affected space fills under a priority junior to that required to fill Palisades powerhead space.

8.8 November 1 Carryover Unaffected. For purposes of determining the amount of storage available for flow augmentation under Rule 5.2.105(a), storage leased through the supplemental pool shall not affect the November 1 carryover quantity on Table 1.
RULE 9.0  STORAGE ALLOCATED TO PALISADES WATER USERS, INC. (PWUI)

9.1  **Background and Purpose.** PWUI is an entity originally organized at the specific request of the Bureau to group, under one entity, all individual water users who applied for an allocation of Palisades Reservoir storage because Reclamation’s policy at that time was that it would not enter into repayment contracts with individual water users. PWUI does not own natural flow water rights, has no designated service area, and does not own a water delivery system. Instead, PWUI shareholders call for delivery of water allocated to their shares through their own delivery systems or the systems of other irrigation entities and have historically been able to change the location of PWUI storage deliveries upon simple notification to the District. The shares do not describe specific property where storage allocated to such shares are used. One share of PWUI stock is equivalent to one acre-foot of PWUI space in Palisades Reservoir, and allocations of water to PWUI shareholders are made upon that basis. The provisions of Rule 9.0 are included herein to clarify, between PWUI and the District, how to properly categorize the delivery of PWUI storage to various points of delivery.

9.2  **Delivery of PWUI Storage Water.** Storage allocated to PWUI shares shall not be considered a private lease under Rule 7.6 in the following circumstances:

9.2.101 The delivery of storage to an irrigation delivery system where the PWUI shareholder has an ownership interest or leasehold interest in property capable of receiving delivery of water through such system.

9.2.102 The delivery of storage allocated to a PWUI shareholder which is assigned to another PWUI shareholder for an amount up to the assignee’s unfilled PWUI allocation for the Accounting Year.

9.2.103 The delivery of storage allocated to PWUI’s treasury stock provided to a PWUI shareholder.

9.3  **Private Leases of PWUI Storage Water.** Storage allocated to PWUI shares shall be considered a private lease under Rule 7.6 and subject to impacts under Rule 7.6 in the following circumstances:

9.3.101 The delivery of storage allocated to PWUI’s treasury stock provided to a non-PWUI shareholder for any purpose.

9.3.102 The delivery of storage allocated to a PWUI shareholder which is assigned to another PWUI shareholder for an amount more than the assignee’s unfilled PWUI allocation for the Accounting Year.

9.3.103 The delivery of storage allocated to a PWUI shareholder provided to a non-PWUI shareholder for any purpose.

9.3.104 The delivery of storage to a PWUI shareholder which is used for recharge.

9.4  **Applicability of Rule 5.6 To PWUI Storage.**

9.4.101 Rule 5.6 shall apply to private leases of PWUI storage described in Rule 9.3.101.

9.4.102 Subject to Rule 9.4.103, the Committee hereby grants PWUI an exception from the provisions of Rule 5.6 such that PWUI shall not be prohibited from leasing water from the Common Pool because of private leases by PWUI shareholders under Rules 9.3.102 through 9.3.104.

9.4.103 Water leased from the Common Pool by PWUI under Rule 9.4.102 shall not be allocated to or used by PWUI shareholders who engage in private leases described under Rules 9.3.102 through 9.3.104.

9.5  **Allocation of Impacts to PWUI.** The allocation of impacts described in Rule 7.6 of these procedures for private leases described under Rule 9.3 shall be made to PWUI as the spaceholder. PWUI shall thereafter internally allocate the impacts to the individual PWUI...
shareholders who participate in private leases described under Rules 9.3.102 through 9.3.104.

9.6 **Information Provided to District.** PWUI shall provide sufficient information to the District to allow the District to verify PWUI’s characterization of the assignment of PWUI storage under Rule 9.0.

9.7 **Assignment of PWUI Shares to Canal Headings.** PWUI shareholders shall assign its shares to the canal heading where such PWUI shareholder is most likely to request delivery of storage. Water District 1 shall only account for the delivery of PWUI storage when (1) notified by the PWUI shareholder that such shareholder is taking delivery of storage through a canal; or (2) the manager of a canal reports the delivery of PWUI storage to Water District 1.
From: Remington Buyer, Department of Water Resources  
Re: Upper Snake River Rental Pool Procedures  
Date: May 1, 2019

The Water District 1 Advisory Committee (also known as the Committee of Nine, or Co9) is the Idaho Water Resource Board (IWRB) appointed local committee for the Upper Snake River Rental Pool, and is authorized to facilitate the lease and rental of stored water in Upper Snake River reservoirs, per state laws and rules specific to the Water Supply Bank. Rental pool committees may also adopt rental pool procedures to govern rental pool operations. Rental pool procedures must be approved by the IWRB.

On March 4, 2019, the Water District 1 Advisory Committee adopted amended procedures for the Upper Snake River Rental Pool. This memo is a summary review of the recently adopted, amended procedures; it is divided into two sections to address:

1) a comparison of the Rental Pool Procedures and the Water Supply Bank Rules; and
2) specific comments about the amended procedures.

### Rental Pool Procedures and Water Supply Bank Rules

Water Supply Bank rules require that rental pool procedures adopted by local committees “must provide for” eleven rental pool elements. Included below are the eleven required rental pool elements and references to Upper Snake River Rental Pool procedural text that pertain to the eleven rental pool elements.

**Rule 40.1.a - Determination of priority among competing applicants to lease stored water to the rental pool and to rent stored water from the rental pool**

Sections 3.1, 3.2 and 3.5 of the amended procedures (“purposes”) articulate intended priorities and constraints for lease and rental applications, while sections 4.3 (“applications”) and 5.3 (“assignments”) outline when and how rental pool applications should be submitted. Section 5.4 (“priorities for renting storage”) provides details on how competing rental applications should be prioritized.

It is relevant to note that section 3.5 is a new addition to the procedures which proposes the implementation of a moratorium on leases and rentals that deliver water to new lands, new uses, new diversions, or new water rights. The moratorium effectively prioritizes rentals for new uses as lowest and last amongst all other rentals. Insofar as the moratorium limits or prevents approval of future leases and rentals for new uses, it may be inconsistent with the mandate of the Water Supply Bank (which requires that the Bank be operated to provide a source of adequate water supplies to benefit new and supplemental uses). Such a determination might hinge on what constitutes an adequate water supply. Regardless, the Board may approve of the amended procedures that includes the moratorium language of section 3.5.

**Rule 40.1.b - Determination of the reimbursement schedule for those leasing stored water into the rental pool**

Section 5.2.110 (“timing of payments”) and 7.3.103 ("timing of [impact] payments") pertain to lessor payments for the rental of stored water from the ‘common pool’ in a given year, while section 8.6 (“notice of contract approval and payment to lessors”) provides that water users who lease stored water for “supplemental pool” purposes shall receive compensation within thirty days of execution of a supplemental pool contract.

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1 Idaho Code, sections 42-1761 through 42-1765, and IDAPA Rules 37.02.03  
2 Water Supply Bank Rules 40.1.a through 40.1.k
Rule 40.1.c - Determination of the rental price charge to those renting stored water from the rental pool
The means of determining the rental price is somewhat complicated; section 5.5 of the procedures prescribe prices for rentals from the “common pool”, while section 6.0 acknowledges that private lease-rental transactions may be established at negotiated rental prices. Additionally, sections 2.17 and 2.19 acknowledge that rental prices may include “fees” which might be levied if a renter is not a spaceholder within the Upper Snake River reservoir system, or if their rental intends to use water below Milner Dam.

Specifically, sections 2.3 (“administrative fee”), 2.9 (“Board Surcharge”), 2.17 (“impact fee”), 2.19 (“infrastructure fee”), 2.27 (“net price”) and 2.35 (“rental price”) define different aspects of the rental price framework for the Upper Snake River Rental Pool. Section 5.5 (“rental prices”) specifies prices for rentals from the common pool, while section 5.5.107 acknowledges that common pool rental prices may include additional “impact” and “infrastructure” fees.

Section 5.5.107 further provides that any impact fees owed by renters who are not considered to be storage contract spaceholders in the reservoir system, will be calculated in the year following their use of rental water (once the “impact” of the rental is known). The infrastructure fee of $5.00/af may also be added to common pool rentals of water for hydropower generation purposes at facilities located downstream of Milner Dam.

Finally, sections 6.3 (“payment to lessor”) and 8.3.102 (“price determination”) allow for negotiated rental prices to be approved for rentals of privately leased (i.e. non-common pool) storage, including hydropower rentals from storage specifically leased to the private ‘supplemental pool’.

Rule 40.1.d - Determination of the administrative charge to be assessed by the local committee
Section 2.3 (“administrative fee”) holds that the local committee will levy a fee of $1.30/acre foot for all rentals, except for where section 8.3.102 (“quantity and price determination”) acknowledges that an administrative fee of $1.80 can be levied for supplemental pool rentals.

Rule 40.1.e - Allocation of stored water leased to the bank but not rented
Section 4.3.106 (“deadline to designate point of diversion or place of use”) may address rule 40.1.e, by acknowledging that unused storage may “revert back to the common pool and/or lessor, respectively.”

Rule 40.1.f - Notification of the Department and the watermaster of any rentals where stored water will be moved from the place of use authorized by the permit, license, or decree establishing the stored water right
Section 4.3.101 (“applications”) provides a mechanism by which the local committee can make a determination as to whether a proposed rental will move storage water beyond the place of use authorized on the permit, license or decree establishing the stored water right. Although the procedures are silent with respect to a written requirement that the local committee notify the Department and watermaster of rentals contemplated by rule 40.1.f, the fact that the procedures recognize the Watermaster of Water District 1 as the manager of the rental pool (who is responsible for receiving and reviewing all applications), and the fact that the watermaster is typically also an employee of the Department of Water Resources, functionally allows for rule 40.1.f to be satisfied.

Moreover, the places of use authorized to be irrigated with storage water from Upper Snake River reservoir system includes lands in Madison, Minidoka, Bannock, Bingham, Bonneville, Cassia, Elmore, Fremont, Gooding, Jefferson, Jerome, Lincoln, Minidoka, Power, Teton and Twin Falls counties. As such, rentals of stored water for irrigation don’t typically move from their authorized places of use.

Rule 40.1.g - Submittal of applications to rent water from the rental pool for more than five (5) years to the Board for review and approval as a condition of approval by the local committee
The proposed procedures are silent regarding the need to submit rentals for more than five years to the IWRB for approval.
Rule 40.1.h - Prevention of injury to other water rights
Section 3.2 ("purposes") acknowledges that the procedures should “maintain adequate controls, priorities, and safeguards to insure [sic] that existing water rights are not injured...” however the procedures thereafter are silent on how this policy is to be interpreted and realized. Comments requested from Water District 1 staff on this topic indicated injury is not necessarily considered to be likely through a rental, and only “impacts” (which are not necessarily considered equivalent to injury) should be considered and accounted for.

Rule 40.1.i - Protection of the local public interest, except for applications submitted pursuant to the interim authority provided by Section 42-1763A, Idaho Code
The proposed procedures make no mention of the words “local public interest.” Comments from Water District 1 staff suggest the content of section 3.0 ("purposes") and section 5.4.101 ("priorities") may be sufficient to protect local public interests.

Rule 40.1.j - Consistency with the conservation of water resources within the state of Idaho, except for applications submitted pursuant to the interim authority provided by Section 42-1763A, Idaho Code
There is no mention of the conservation of water resources within the procedures.

Rule 40.1.j - Management of rental pool funds as public funds pursuant to the Public Depository Law, Chapter 1, Title 57, Idaho Code
Rental pool procedure section 4.1.102 (“rental pool account”) acknowledges that rental pool funds are subject to Idaho’s public depository laws.

Rental Pool Procedure Comments
The following summarizes additional aspects of the amended Upper Snake River Rental Pool procedures:

Water District 1 Boundary Definitions
The proposed procedures include a new section (2.16) which defines the district as “the Snake River and tributaries with Basins 01, 21, 22, 23, and 25 points of diversion.” Beyond these four basins, Water District 1 water users may use Upper Snake River reservoir storage water at places of use in basins 27, 29, 35, 36, 37, 41, 43, 45 and 47. However, water rights in these additional basins are not necessarily administered by Water District 1 staff, and it therefore may suffice to define the boundaries of Water District 1 in such a limited way.

Participation Dates
Section 5.2.101 cites that March 15, 2019 is the date by which a storage water user should notify the rental pool of a desire to participate in the rental pool initiative, by leasing storage to the rental pool. It is advisable that this date not specify a year.

Semantics
Because rental pool procedures are authorized by subsections of Water Supply Bank Rule 40 (IDAPA 37.02.03.40), it may be helpful to remove from the procedures references to the term “rule” and instead use “procedure”.

Memo: Regarding Adopted, Amended Changes to the Upper Snake River Rental Pool Procedures
Mr. Roger Chase, Chairman  
c/o Brian Patton  
Idaho Water Resource Board  
P. O. Box 83720  
Boise, ID 83720

Subject: Rental Pool Changes Approved by Water District 1

Dear Mr. Chase:

Reclamation has reviewed the rental pool rule changes approved by Water District 1 in its annual meeting. Two changes raise potential concerns for Reclamation beyond the current water year. Although we will not oppose those changes at this time because we do not foresee them affecting operations this year, we have shared Reclamation’s potential concerns with the Committee of Nine and intend to work with the Committee over the coming year to resolve them prior to the next Water District 1 annual meeting.

Reclamation’s concerns are as follows:

1. Rule 5.2.105(b) – (Extraordinary Circumstances) – Reclamation exercises sole discretion over whether to use storage in its uncontracted and powerhead space for flow augmentation, so long as such use is consistent with the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement and applicable law. Insofar as the rule change suggests the Committee shares this decision-making authority with Reclamation, we cannot concur with the modified language regarding use of this space.

2. Rule 7.5(c) – (Impacts) – The new language moves Rule 8 (below-Milner hydropower) rentals ahead of powerhead in terms of refill priority. This could result in less water available to fill powerhead space in some years. Reclamation needs to analyze whether, and to what extent, this change would result in impacts to flow augmentation reliability that may require Reclamation to reinitiate consultation with the National Marine Fisheries Service on upper Snake River operations. Given the high snowpack and runoff forecast this year, we do not see this as an imminent risk and are willing to work with the Committee this year to ensure rule language does not result in impacts to flow augmentation reliability in future years.
Thank you for your consideration. Please contact me at 208-383-2246 if you have any questions.

Sincerely,

Roland K. Springer
Area Manager

cc:  Mr. Gary Spackman
     Director
     Idaho Department of Water Resources
     P.O. Box 83720
     Boise, ID 83720

     Mr. Rodney Dalling
     Chairman
     Committee of Nine
     386 North 2400 East
     St. Anthony, ID 83445

     Mr. Lyle Swank
     Watermaster
     Water District 1
     900 N. Skyline Dr, STE A
     Idaho Falls, ID 83402
May 1, 2019

Roger W Chase Chairman
Brian Patton Executive Officer
Members of the Idaho Water Resource Board

In 2017 WD29D was instructed to curtail irrigation users on the lower Portneuf River (McCammon thru Pocatello) that were diverting out of priority based on the priority date being delivered downstream on the Snake River, which at that time was 1900. Since that time, we have been looking for mitigation water to alleviate the hardship on the water right holders along that reach of the Portneuf River. Naturally we turned to Idaho Department of Water Resources (IDWR) to help us understand the procedures and rules that pertain to mitigation practices.

Some of the solutions we have talked about entail

1. Rent water out of Water District 01(WD01) Rental Pool
2. Rent storage water
3. Rent water from the State Water Supply Bank with priority dates not affected by a water call.

We have investigated renting water out of WD01 Rental Pool as this is the most economical and is an already established method for our farmers and ranchers to mitigate a future curtailment. In researching this viable mitigation practice we discovered the proposed changes in the 2019 Rental Pool Procedures for WD01 would place “a moratorium on all leases and rentals that deliver water to new lands, new uses, diversions, or new water rights which have not historically had water delivered from Water District 1 prior to January 1, 2019 inside or outside the District shall be in place”. This moratorium seems extreme not only to WD29D but would also preclude any other mitigation that fits into said categories without appearing to be arbitrary and capricious if granted.

We attended the Committee of Nine meeting held in Pocatello April 18, 2019 to understand the purpose for the moratorium and voice our concern for water users in our district (see attached letter). As we all know this is an extremely complicated system, and from what we understand the moratorium may have something to do with groundwater in Arbon Valley, and a settlement with the Bannock Shoshone Indian Tribe.

Also, at the April 18th meeting Director Spackman informed the group that as of July 1 2019 the rules and procedures for the State will expire, and he is not sure as to what the effect this will have on the State Water Bank.
We then attended a Rental Pool Committee meeting for WD01 that was held April 25th. The agenda included “Rental Storage for Bannock Creek Equitable Adjustment” and “Basin 29 Portneuf River rentals”. There was much discussion regarding the moratorium and its impact. The Chairman of the meeting asked questions regarding the Lower Portneuf and we again stated our opposition to the changes.

Also attending the meeting via the phone was Remington Buyer from IDWR and he stated the changes to the procedures contained in the proposed 2019 WD01 Rental Pool Procedures would still need to be approved by the IWRB.

WD29D would like to state that the changes to WD01 Rental Pool Procedures would preclude the water rights holders in WD29D as well as surrounding areas, that fit into the Purposes Rule 3.5 moratorium section from being able to mitigate any future curtailments using Rental Pool water. WD29D would like to ask the IWRB to reject the changes to WD01 Rental Pool Procedures at its May 9th thru 10th meeting being held in Lewiston and therefore maintain the Rental Pool Procedures already in place. WD29D understands that this does not guarantee that water would be available in the rental pool at that time, but that is one of the mitigation solutions the pool was established for.

WD29D is also exploring renting storage water currently, but this is in its early stages and we don’t have a definitive solution utilizing this type of mitigation water.

The lower Portneuf is home to many good farmers and ranchers and enjoys being a good neighbor as well as Idahoans. WD29D will continue to work towards being good producers of livestock and agriculture in the State of Idaho.
With the creation of WD29D signed by the Director of IDWR June 22, 2009, and the Snake River Basin Adjudication (SRBA) Final Decree in 2014 the irrigators within the Lower Portneuf River became subject to the same laws and regulations that pertain to all the State of Idaho Water Districts. Along with the formation of WD29D we had to elect a Chairman, a Treasure, a Secretary, hire a Watermaster, enact resolutions and have regular annual meetings. The point is that we have come into compliance with what IDWR expects out of any Water District.

Two years ago, the watermaster of WD29D was instructed by IDWR to curtail users on the Lower Portneuf River that were diverting out of priority in respect to the priority date being delivered downstream on the Snake River, at that time the priority date was 1900. Thus, leaving many of us wondering how we were to mitigate our out of priority water rights as defined by the SRBA. As a District we looked to IDWR for solutions to our situation. Some of the solutions included:

1. Rent water out of District 1 water pool
2. Rent storage water from the City of Pocatello
3. Rent storage water from the Shoshone Bannock Tribe
4. Rent water from the State Water Supply Bank with priority dates not affected by the water right call

As a participant of the Snake River Water Basin, and its tributaries as determined by the Director of IDWR and defined by the SRBA, a water right holder should have the right to apply for and receive water out of the Rental Pool. The proposed changes to Rule 3 in the 2019 Water District 1 Rental Pool Procedures placing “a moratorium on all leases and rentals that deliver water to new lands, new uses, diversions, or new water rights which have not historically had water delivered from WD1 prior to January 1, 2019” will basically shut the door on utilizing the rental pool as a viable option for mitigation for WD29D and other Districts. The Director of IDWR has issued a reprieve from any curtailments for out of priority diversions until the spring of 2021. Meanwhile WD29D is working to find alternatives to an out of priority date shut off.

What is the purpose of the moratorium on said applications and leases for water out of the Rental Pool? Is WD1 intention to alleviate utilization of the State of Idaho’s waters as a solution of mitigation when a water call comes?

We are all looking for solutions to this issue and hopefully we can come up with some amenable solutions that don’t preclude renting water out of the WD1 Rental Pool.
Memorandum
To: Idaho Water Resource Board
From: Wesley Hipke
Date: April 30, 2019
Re: ESPA Managed Recharge Program Status Report

REQUIRED ACTION: Consider funding resolution for the construction of the MP29 recharge site.

I. ESPA Recharge Program Goals for 2019
In addition to maximizing recharge activities, a primary goal for program development in 2019 is to formalize standards and procedures critical to program operation and coordination with current and future partners. Over the next several months, the Aquifer Stabilization Committee (Committee) will review identified program operational questions and develop ESPA Managed Recharge Program “Standards and Procedures” for potential adoption by the full IWRB. Given the number of topics, several Committee meetings will be scheduled this summer and fall. The topics were introduced at the April 23rd Aquifer Stabilization Committee meeting and follow-up meetings will be scheduled in May/June, July, and potentially August/September with the intent of finalizing all or part of the procedures at the September IWRB meeting.

II. 2018/2019 Recharge Season Summary

Natural Flow and Storage Water Authorized for IWRB Recharge:

- Storage Water from Surface Water Coalition (SWC) - 58,500 af donated
  - All of the SWC water was diverted for recharge above Minidoka Dam (Upper Valley).
- Natural Flow - Snake River Water Rights
  - Water Right no. 01-7054 - 1,200 cfs (1980 priority), five-year Water Supply Bank Lease and Rental contracts approved to authorize use in the Upper Valley until 2024
  - Water Right no. 01-7142 - 2,831 cfs (1998 priority), POD - North Side Canal Company
  - Water Right no. 01-10609 - 3,738 cfs (1998 priority), POD - Southwest Irrigation District, Burley Irrigation District, Twin Falls Canal Co, A&B Irrigation District, American Falls Reservoir District No. 2, Minidoka Irrigation District, and Milner Irrigation District
- Natural Flow - Big & Little Wood River Water Rights
  - Water Right no. 37-7842 – 295 cfs from Little & Big Wood River (1980 priority), POD – Dietrich Canal - Flood Control Site, period of use for Little Wood River between 4/19 to 5/31 and an annual volume limit of 11,335 af; period of use for Big Wood River between 5/01 to 5/31 and an annual volume limit of 1,607 af, combined diversion limit with 37-23145
2018/2019 IWRB Recharge Summary:

IWRB recharge began on August 16, 2018 with the delivery of storage water donated by the SWC in the upper valley above Minidoka Dam. IWRB recharge under its natural flow recharge water rights started in the Lower Valley below Minidoka Dam on October 22, 2018 and in the Upper Valley on February 22, 2019. The IWRB is currently authorized to conduct recharge with natural flow in both the Lower and Upper Valleys. Table 1 and Figure 1 summarize IWRB recharge activities as of April 30, 2019.

Table 1. IWRB Recharge Summary – 2018/2019*

<table>
<thead>
<tr>
<th>Source Water</th>
<th>Area</th>
<th>Start / End of Recharge</th>
<th>Duration of Recharge (Days)</th>
<th>Median Recharge Rate (cfs)</th>
<th>Current Recharge Rate (cfs)</th>
<th>Volume Recharged (Acre-feet)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>SWC Storage Water</td>
<td>Upper Valley</td>
<td>Aug 16 - Nov 3</td>
<td>80</td>
<td>302</td>
<td>0</td>
<td>53,769</td>
</tr>
<tr>
<td>Snake River</td>
<td>Lower Valley</td>
<td>Oct 26 - ongoing</td>
<td>191</td>
<td>633</td>
<td>552</td>
<td>206,689</td>
</tr>
<tr>
<td></td>
<td>Upper Valley</td>
<td>Feb 22 - ongoing</td>
<td>68</td>
<td>435</td>
<td>125</td>
<td>80,188</td>
</tr>
<tr>
<td>Snake River Total</td>
<td></td>
<td></td>
<td>191</td>
<td>664</td>
<td>677</td>
<td>286,877</td>
</tr>
<tr>
<td>Big/Little Wood River</td>
<td>Big Wood Canal Co.</td>
<td>Nov 19 – Apr 17</td>
<td>150</td>
<td>18</td>
<td>0</td>
<td>5,400</td>
</tr>
<tr>
<td>ESPA TOTAL</td>
<td></td>
<td></td>
<td>258</td>
<td>454</td>
<td>677</td>
<td>340,646</td>
</tr>
</tbody>
</table>

* Volume recharged as of April 30, 2019 – Reported recharge volumes are preliminary and subject to change.

Lower Valley Recharge Status:

The IWRB’s natural flow recharge water rights came into priority in the Lower Valley on October 22, 2018. Early in the recharge season, an average of 700 cfs was available for recharge; however, the US Bureau of Reclamation (USBR) started increasing flows out of Milner dam on February 19, 2019 and discharges have generally increased, peaking on April 25th at 15,800 cfs. Flows have decreased slightly and approximately 15,000 cfs is currently passing Milner Dam. IWRB recharge in the Lower Valley is dependent on the amount of excess capacity on the Milner-Gooding Canal and the SWID Cassia pipeline.

- **Southwest Irrigation District (SWID)** - SWID recharged water for the IWRB from October 22, 2018 to December 26, 2019. It terminated recharge activities due to the lowered pool elevation to accommodate construction at Milner Dam. SWID resumed IWRB
diversion of recharge water on February 23, 2019 and is currently recharging approximately 22 cfs.

- **American Falls Reservoir District No. 2 (AFRD2)** – AFRD2 started recharge on December 29, 2018. Currently, AFRD2 is recharging 530 cfs utilizing the MP31 recharge site.
- **Twin Falls Canal Co. (TFCC)** - TFCC started recharging water for the IWRB on October 23, 2018 and completed IWRB recharge activities on March 25, 2019.
- **North Side Canal Co. (NSCC)** – NSCC completed the majority of the scheduled infrastructure improvements to the four hydro plant by-passes and started recharge on January 5, 2019 and complete recharge activates on March 27, 2019.

**Upper Valley Recharge Status:**

The IWRB’s natural flow recharge water rights in the Upper Valley came into priority on February 22, 2019. The USBR waived its Winter Water Savings Program requirements on February 22 which allowed Palisades’s storage water contract holders to divert water for recharge through their canals. Currently, 21,000 cfs is being discharged from Minidoka Dam, significantly above the unsubordinated power right of 2,700 cfs.

IWRB discontinued all canal recharge after April 15, 2019. IWRB recharge in the Upper Valley is limited by the number of off-canal sites and, similar to the Lower Valley, excess capacity in the canals. The following summarizes current IWRB recharge activities:

- **Fremont-Madison ID (FMID)** – FMID started recharge on February 22, 2019 and is currently recharging at the Egin Lakes site. Currently, FMID is recharging 45 cfs, lower than the full capacity of the site due to the start of construction of the Egin Lakes Phase II site.
- **Snake River Valley ID (SRVID)** – SRVID started recharge on March 6, 2019. It is currently recharging around 30 cfs at their off-canal site.
- **New Sweden ID (SRVID)** – NSID started recharge on March 18, 2019. It is currently recharging around 50 cfs at their off-canal site.
- **Farmers Friend IC (FFIC)** – FFIC started recharge on March 27, 2019. FFIC shut down on April 15th for canal maintenance but plans to start deliveries to the Jones Site on May 1, 2019.
- **Progressive ID (PID)** – PID began recharge on February 28, 2019 and ended recharge on April 15, 2019.
- **Enterprise Canal Co (ECC)** – ECC started recharge on March 11, 2019 and ended recharge on April 15, 2019.
- **Woodville Canal Co (WCC)** – WCC started recharge on March 19, 2019 and ended recharge on April 15, 2019.
• **Reid Canal Co (RCC)** – RCC started recharge on March 25, 2019 and ended recharge on April 15, 2019.

• **Sunnydale ID (SID)** – SID started recharge on March 29, 2019 and ended recharge on April 15, 2019.

**Big/Little Wood River Recharge Summary:**

Big Wood Canal Co. (BWCC) began diverting from the Big Wood River to recharge at the Devils Headgate recharge site on November 19, 2018. On January 9, 2019, recharge water was diverted from the Little Wood River to the Richfield recharge site. IWRB recharge activities were suspended on April 17, 2019 in accordance with the conditions of the IWRB’s recently licensed water right nos. 37-7842 and 37-23145 (conditions limit diversions for recharge under the referenced water rights to varying times between April 1 through May 31 and places of use that cannot be used at this time). In addition, Temporary Water Use applications filed by the IWRB to recharge on the Big and Little Wood Rivers were denied by IDWR on April 15, 2019.

**IWRB Recharge 2018/2019 Projections:**

Water is expected to be available for managed recharge on the ESPA through May and potentially into June as a result of a robust late winter snowpack and a cold/wet spring. Spring temperatures, precipitation, and corresponding irrigation demand will have a significant impact on how long water will be available for recharge. At the last IWRB Upper Snake River Advisory meeting on April 12, the three-month outlook for temperature and precipitation was above normal for the ESPA region.

The next IWRB Upper Snake River Advisory meeting is scheduled for May 8, 2019 to discuss future reservoir releases, projected reservoir fill, and other factors influencing reservoir operations. Conditions will be monitored to maximize recharge activities as water supply and system operations change.

Based on improved water supply conditions, IWRB recharge is currently projected to exceed 315,000 af from natural flow for the 2018/2019 recharge season. The total amount of water recharged by the IWRB from both natural flow and storage water is expected to exceed 360,000 af. This estimate assumes water will be available for recharge through the month of May.
III. ESPA Recharge Program Projects and Buildout Activities

The IWRB is focused on the development of additional recharge capacity throughout the ESPA to meet the managed recharge goal of an average 250,000 af/yr. For managed recharge projects involving infrastructure improvements to which the IWRB provided funding, a Memorandum of Intent (MOI) was developed to establish a long-term agreement (twenty years) between the IWRB and the entity implementing the project. The MOI acknowledges: 1) the IWRB provided financial assistance for a project; and 2) the entity agreed to deliver and prioritize delivery of the IWRB’s recharge water as compensation for financial assistance from the IWRB.

ESPA Managed Recharge Infrastructure Project Summary

The IWRB allocated over $20 million dollars from 2013 through fiscal year 2019 for infrastructure improvements to increase managed recharge throughout the ESPA. In fiscal year 2019, the IWRB budgeted $8 million for development of managed recharge throughout the ESPA. The status of the current projects in the Lower and Upper Valleys is included in Tables 2 and 3, respectively. A summary of the projected recharge projects is presented in Table 4.
<table>
<thead>
<tr>
<th>IWRB Partner</th>
<th>Project Name</th>
<th>Project Type</th>
<th>Status</th>
<th>Approved Funds</th>
<th>Scheduled Completion</th>
<th>Description / Key Items</th>
</tr>
</thead>
</table>
| AFRD2        | Dietrich Drop Hydro Plant Winter By-pass | Design / Construction | Active | $1,500,000 | Nov 2019 | Winter recharge by-pass of the Dietrich Drop Power Plant  
  • Finalize cost and project schedule – May 2018  
  • Constr. of tail race gate & bypass improv. – Jan 2019  
  • Final FERC submittal for forebay improv. (6 mo. review) – Mar 2018  
  • Construction of forebay improv. – Oct/Nov 2019 |
| AFRD2        | MP 28 Hydro Plant Tailbay | Design / Construction | Active | $1,400,000 | Nov 2019 | Isolating tailbay and improving forebay of the hydro plant during winter recharge  
  • Design Completion – Sept 2018  
  • Start Construction – Oct 2018  
  • Complete in canal work – Dec 2018  
  • Tailrace Building – Oct/Nov 2019 |
| North Side CC | Hydro Plants (4) Improvements for Winter By-pass | Design / Construction | Close Out | $5,074,581 | Complete April 2019 | Winter recharge by-pass of the hydro plants between the Milner Pool and Wilson Lake  
  • Phase I const. complete – Mar 2018  
  • FERC approval for const. – Apr 2018  
  • Construction started – Aug 2018  
  • Est. final cost $3.5 M |
  • Meet with BLM concerning the Draft EA – Sept 2018  
  • Scoping info & Public Comment – Oct 2018  
  • Final EA submitted to BLM for review Jan 2019  
  • Submit Final EA to BLM – Feb 2019  
  • BLM Finalize ROD and ROW – Mar 2019 |
North Side CC  | Wilson Canyon Site  | Design / Construction  | Active  | $1,900,000  | June 2019  | Design & construction of recharge site
• Design completed & Bid advertisement – Sept 2018
• Complete with in-channel improv. – Mar 2019
• BLM ROW & constr. outside the canal – Mar 2019
• Submit GW Quality Plan – Apr 2019
• Completion of monitor wells – June 2019

Table 3. Current IWRB ESPA Managed Recharge Projects - Upper Valley

<table>
<thead>
<tr>
<th>IWRB Partner</th>
<th>Project Name</th>
<th>Project Type</th>
<th>Status</th>
<th>Approved Funds</th>
<th>Scheduled Completion</th>
<th>Description / Key Items</th>
</tr>
</thead>
</table>
| Fremont-Madison ID | Egin Lakes Phase II | Construction | Active | $580,000 | Spring/Summer 2019 | Construction of Egin Lakes Phase II - recharge capacity expansion
• BLM approval – Oct 2018
• Start construction on new areas – Apr 2019 |
| Great Feeder Canal Co. | Ward Site | Construction | Active | $120,000 | Spring/Summer 2019 | Construction of recharge site
• Evaluation of area complete – Jan 2018
• Start of construction – Mar 2019
• Submit GW monitoring plan – Apr 2019
• Drill monitor well – Summer 2019 |
| Butte Market Lake Co. | Injection Well Test | Testing / Construction | Active | $110,000 | ?? | Development of injection well
• Project on hold as BMLCC determines if they want to move the project forward. |
<table>
<thead>
<tr>
<th>IWRB Partner</th>
<th>Project Name</th>
<th>Project Type</th>
<th>Status</th>
<th>Approved Funds</th>
<th>Scheduled Completion</th>
<th>Description / Key Items</th>
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<tr>
<td>AFRD2</td>
<td>MP 29 Recharge Site</td>
<td>Design</td>
<td>Planning</td>
<td>None at this time</td>
<td>Dec 2019</td>
<td>Preliminary Design of potential recharge site at MP29</td>
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<td>• Survey data delivered - Feb 2018</td>
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<td>• Concept Options &amp; Cost Estimate – Oct 2018</td>
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<td>• Design &amp; Cost Estimated – April 2019</td>
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<td>• Board Consider Approval – May 2019</td>
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<td>• Start construction – Oct 2019</td>
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<td>• In canal construction complete – Nov 2019</td>
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<td>North Side CC</td>
<td>Additional Managed Recharge Sites below Wilson Lake</td>
<td>Survey, Design</td>
<td>Planning</td>
<td>None at this time</td>
<td>2020</td>
<td>Preliminary Design of potential recharge site</td>
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<td>• Staff Evaluation and additional survey data – Summer 2018</td>
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<td>• LiDAR Survey Data – Nov 2018</td>
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<td>• Analysis of survey – Mar 2019</td>
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<td>• IWRB feedback on potential sites – Apr 2019</td>
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<td>• Design and Cost Estimate – After test of Wilson Canyon</td>
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<td></td>
<td>Upper Valley – Large Scale Recharge Project</td>
<td>Evaluation</td>
<td>Planning</td>
<td>None at this time</td>
<td>2020?</td>
<td>Evaluation of the Upper Valley to determine the potential of developing a large scale managed recharge project</td>
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<td>• Analysis of available data &amp; report of potential areas – Jan 2019</td>
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<td>• Ranking of best areas – Spring 2019</td>
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<td></td>
<td>• IWRB/Aquifer Stabilization Committee input on potential sites – July 2019</td>
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</table>
ESPA Recharge - Snake River Lower Valley Capacity and the MP29 Site

This briefing paper is a summary of the work done to determine the required Lower Valley capacity to maintain a 250,000 acre free (AF) average and how the proposed MP29 site will contribute to the recharge program. It has been calculated that a minimum of 1,200 cubic feet per second (CFS) from the Snake River is required in the Lower Valley and 200 cfs in the Upper Valley to reach the legislatively-set recharge average. There is also a need to develop recharge sites on multiple canals to avoid over-reliance on a single canal.

Below is a summary table of the current and projected Snake River Lower Valley recharge capacity:

<table>
<thead>
<tr>
<th>Site</th>
<th>Lower Valley Current Capacity (CFS)</th>
<th>Lower Valley Projected Capacity (CFS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TFCC Murtaugh Lake</td>
<td>30</td>
<td>30</td>
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<tr>
<td>SWID Injection</td>
<td>60</td>
<td>60</td>
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<tr>
<td>AFRD2 Shoshone</td>
<td>175</td>
<td>175</td>
</tr>
<tr>
<td>AFRD2 MP31</td>
<td>600</td>
<td>600</td>
</tr>
<tr>
<td>NSCC Wilson Lake</td>
<td>130</td>
<td>130</td>
</tr>
<tr>
<td>NSCC Wilson Canyon (under construction)</td>
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<td>100 (est.)</td>
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<tr>
<td>AFRD2 MP29 (proposed)</td>
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<td>300 (est.)</td>
</tr>
<tr>
<td>Total</td>
<td>965</td>
<td>1,395 (est.)</td>
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</tbody>
</table>

MP29 is needed so that the managed recharge program can exceed the minimum 1,200 cfs goal needed to maintain a 250,000 AF yearly recharge average. The following map shows these recharge sites superimposed over the 5-year retention map.
The IWRB has been very successful with ESPA recharge with the past three years being wet. This will not always be the case as seen in the following chart. To make up for the dry years the IWRB needs to be able to capture in excess of 500,000 AF to maintain the 250,000 AF average. The following chart shows an historical projection of recharge potential with future buildout needed to reach a 250,000 AF average.

The following table shows the statistical analysis of projected recharge capacity from the Snake River in the Lower Valley applied to historical water years of 1991 through 2017:

<table>
<thead>
<tr>
<th></th>
<th>Projected long-term average Lower Valley recharge with MP29 Site</th>
<th>Projected long-term average Lower Valley recharge without the MP29 Site</th>
<th>Projected long-term average Upper Valley recharge assuming 200 cfs off-channel capacity</th>
<th>Projected long-term total ESPA Recharge with MP29 and 200 cfs off-channel capacity in Upper Valley</th>
</tr>
</thead>
<tbody>
<tr>
<td>At 100% delivery availability</td>
<td>183,000 AF</td>
<td>214,000 AF</td>
<td>44,000 AF</td>
<td>258,000 AF</td>
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<tr>
<td>At 80% delivery availability</td>
<td>146,000 AF</td>
<td>171,000 AF</td>
<td>35,000 AF</td>
<td>206,000 AF</td>
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</table>

The MP29 site can be developed relatively inexpensively. The easement has been obtained from the BLM. The estimated cost is $640,000, mostly for the headgate and monitoring wells. The existing MP31 obermeyer check dam will function as the check dam for this site as well. The plan is to use a pre-cast headgate structure to minimize recharge down-time in the Milner-Gooding Canal. The following is a depiction of what the finished recharge site will look like:

In summary, the MP29 site is critical to meeting the long-term average annual goal set by the State Water Plan and the Legislature, can be developed inexpensively, and the easement has been obtained.
WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates $5 million from the Cigarette Tax to the Idaho Water Resource Board’s (IWRB) Secondary Aquifer Planning, Management, and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and

WHEREAS, Senate Bill 1402 passed and approved by the 2016 Legislature allocated $5 million in ongoing General Fund dollars and $2.5 million in Economic Recovery Reserve Funds to the IWRB’s Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization; 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 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, on May 18, 2018, the IWRB adopted the Secondary Aquifer Fund Fiscal Year 2019 Budget, which included $2,150,000 for the development of the MP29 Managed Recharge Site to improve managed recharge capacity in the ESPA; and

WHEREAS, American Falls Reservoir District No 2 (AFRD2) operates and maintains an irrigation delivery system that conveys water from the Snake River through the Milner-Gooding Canal to the MP 29 Managed Recharge Site; and

WHEREAS, cost estimates provided by AFRD2 and Quadrant Consulting Inc. to construct the required infrastructure and two (2) groundwater monitoring wells to for the Mile Post 29 Recharge Site totals $640,000;

NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures budgeted for the MP 29 Managed Recharge Site, not to exceed a total of $640,000, from the Secondary Aquifer Fund for the development of the MP 29 Managed Recharge Site which includes construction of turnout structure, basin improvements, and groundwater monitoring wells and
NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes its chairman or designee, Brian Patton, Executive Officer to the IWRB, to execute the necessary agreements or contracts to complete the development of the MP 29 Managed Recharge Site.

DATED this 10th day of May, 2019.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST ________________________________

VINCE ALBERDI, Secretary
Representatives from the Palouse Basin Aquifer Committee (PBAC) will discuss recent efforts towards developing a long-term sustainable water supply with the IWRB.
PRESENTATION TITLE

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PALOUSE BASIN

AQUIFER

committee
"To ensure a long-term, quality water supply for the Palouse Basin region"
Collect data and fund groundwater research

Supply community with vital information

Provide strategic long-term water supply solutions

Public engagement and communications
• Artesian wells

• Water Level declines

• PBAC was established in 1967

• Establishment of the Groundwater Management Plan in 1992 (GWMP)
WSU Test Well (Lower Aquifer)

Water Level 1935 - 2016 (ft above MSL)

- 1.5 ft/yr
- 0.9 ft/yr

GWMP Sept 1992

2915 2010 2020 2030 2040 2050 2060 2070 2080 2090 2010 2020 2030 2040 2050 2060 2070 2080 2090
WA DOE Pullman Test Well (Lower Aquifer) 2006 - 2017

Daily Water Level

- 0.72 ft/yr

Date (month/day/year)
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Total: 2.37 Billion Gallons
Change from 2017 = -3.1%

- WSU: 453 (19%)
- Moscow: 797 (34%)
- Pullman: 927 (39%)
- UI Domestic: 141 (6%)
- Palouse: 50 (2%)

2018 Pumping
Millions of Gallons
(Percentage of Total)
2018 Pumping (% change from 2017)

- WSU: -9.3%
- Palouse: -3.7%
- Moscow: -3.1%
- Pullman: -0.3%
- UI Domestic: +1.3%
2018 Pumping
(% change from 5-yr Trailing Average)

- Palouse: -9%
- Moscow: -6%
- UI Domestic: -5%
- WSU: -4%
- Pullman: +1%
2018 Monthly Pumping (% of Annual Total)

- January: 6%
- February: 6%
- March: 6%
- April: 6%
- May: 7%
- June: 9%
- July: 14%
- August: 15%
- September: 11%
- October: 8%
- November: 6%
- December: 6%

Total for 2018: 49%

2017 = 52%
2018 Temperature and Precipitation —

[Image of a graph showing temperature and precipitation for Pullman-Moscow Regional Airport, WA, for 2018.]
Lorem ipsum dolor sit amet, consectetur adipiscing elit.
• Geologic Mapping Updates

• Seismometers for quantifying recharge

• Palouse Water Alternatives Data Gaps

• Updated groundwater model
Divert water from Snake River

Pipeline to Pullman and Moscow

Provide up to 2000 MG (or more with larger pipeline)
PRESENTATION TITLE

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Wawawai County Park

~2NAL INTAKE

REGIONAL WATER TREATMENT PLANT

Proposed Infrastructure

Proposed Pipeline
Divert water from North Fork Palouse River for Pullman and Moscow

Divert water from Paradise Creek or South Fork Palouse for Moscow aquifer recharge

Up to 1900 MG

May not consistently produce water to sufficiently meet demand
PRESENTATION TITLE

- Proposed Infrastructure
- Proposed Pipeline
- Potential Water Supply Sources

Proposed Infrastructure:
- Regional Intake
- REGIONAL WATER TREATMENT PLANT
- INTAKE AND WATER TREATMENT PLANT FOR AQUIFER RECHARGE
Flannigan Creek storage

Conveyance to treatment for Moscow and UI

South Fork direct diversion for Pullman and WSU

Could meet 2324 MG supply target
PRESENTATION TITLE

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INTAKE AND WATER TREATMENT PLANT (SOUTH FORK PALOUSE)
Paradise Creek aquifer recharge for Moscow

South Fork diversion to aquifer storage and recovery for Pullman

Pullman and Moscow wastewater reuse

Moscow passive groundwater recharge and additional conservation
Up to 1900 MG, may not consistently produce enough water to meet demand
PRESENTATION TITLE

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- WASTEWATER REUSE

INTAKE AND WATER TREATMENT PLANT FOR AQUIFER STORAGE AND RECOVERY

- Proposed Infrastructure

WASTEWATER REUSE AND PASSIVE AQUIFER RECHARGE

INTAKE AND WATER TREATMENT PLANT FOR AQUIFER RECHARGE
<table>
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<tr>
<th>Tasks</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>2018</th>
<th>Q1</th>
<th>Q2</th>
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<th>2019</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>2020</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
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<tr>
<td>Develop integrated regional demand forecast</td>
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<td>Complete comprehensive list of storage and water management projects</td>
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<td>Use multi-criteria process to evaluate water projects</td>
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<td>Process and refine evaluation process results with PMAC</td>
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<td>Identify and characterize five alternatives for cataloging forward</td>
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<td>Summarize findings in final report, and address Part 1 data gaps</td>
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<td>Address Data Gaps (Part 3)</td>
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<td>Reformulate Stakeholder water right acquisition and mitigation strategy</td>
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<td>Refine Alternative 1 water rights cost estimate</td>
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<td>Discuss ESA compliance/mitigation options with NMFS/NVPA</td>
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<td>Identify stream flow constraints on NF/Palouse and Paradise Creek</td>
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<td>Collect water quality data on NF Palouse</td>
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<td>Evaluate NF Palouse water quality results</td>
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<td>Evaluate groundwater recharge opportunities near town of Palouse</td>
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<td>Evaluate Flamming Creek storage property acquisition process</td>
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<td>Conduct Additional Engineering and Other Feasibility Evaluations</td>
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<td>Alternative 1</td>
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**Legend:**
- ND: Not Determined
- NA: Not Applicable
- N/A: Not Available
- X: Task was completed
### Past Tasks

- Develop integrated regional demand forecast.
- Compile comprehensive list of storage and water management projects.
- Use multi-criteria process to evaluate water projects.
- Discuss and refine evaluation process results with PNAC.
- Identify and characterize three alternatives for carrying forward.
- Summarize findings in final report, and archive Part 1 data sets.

### Address Data Gaps (Part 2)

- Re-evaluate State non-water right acquisition and mitigation strategy.
- Evaluate Alternative 1 water right cost estimate.
- Discuss FSA compliance/mitigation options with NWPS/MS/WES.
- Develop Regional Alternatives Evaluation.
- Identify minimum flow constraints on NWPS Palouse and Paradise Creek.
- Collect water quality data on NW Palouse.
- Evaluate NW Palouse water quality results.
- Evaluate prioritization exchange opportunities near towns of Palouse.
- Evaluate Thimblegrip Creek storage property acquisition process.

### Conduct Additional Engineering and Other Feasibility Evaluations

- Alternative 1
- Alternative 2
- Alternative 3
- Alternative 4
- Regional organization framework and refinements.

### Conduct Environmental Review

- Develop Purpose and Need/ES (New)
- Describe alternatives.
- Describe affected environment.
- Evaluate impacts and identify mitigation measures.
- Conduct public involvement, consultation, and coordination.
- Refined multi-criteria evaluation.
- Draft EIS.
- Final EIS.

### Communications and Public Involvement

- Briefings to university and elected officials.
- Research colloborations.
- Stakeholder Engagement Group.
- Public meetings and workshops.
- Develop/prepare communications materials.
- Palouse Water Summit.
- PNAC updates.

### Select and Implement Preferred Alternative

- Select Preferred Alternative.
- Develop financing plan and organization structure.
- Environmental permitting (FSA, CWA, etc., as applicable).
- Select Preferred Alternative.
- Develop implementing agreements.
- Bid and construct.
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- Stakeholder Engagement Group
- PBAC Retreat
- Plan of Action
- Palouse Basin Survey
- Action oriented timelines
• Provide input on:
  • Water supply alternatives and associated engineering and environmental evaluations
  • Research activities
  • Public involvement efforts.
• 2018 Retreat:
  • Our water story: connecting with each other's goals/history
  • Identify stakeholder groups: Power mapping
  • Activate communications Plan with goals and timelines

• 2019 Retreat (June 13th)
  • Strategy to meet 2020 deadline for a project proposal to IWRB
  • Defining roles/tasks of Subcommittees
  • Goals/refined timelines
• Action plan will provide guidance and timelines:
  • Ensure momentum in process of reaching project proposal goals
  • Align research with timeline to target critical data gaps
• Gather feedback on attributes:
  • What do people value in relation to an alternative water resource?
  • A tool to increase awareness
  • Pique interest in public involvement
The Palouse Basin Aquifer Committee works to ensure a long-term, quality water supply for the Palouse Basin region.
Update on Mid-Snake River Monitoring and Modeling Project

Presented to the Idaho Water Resource Board by Sean Vincent
May 9, 2019
Overview

- Introduction
- Roles
- Background
- Pre-project planning
- Preliminary scope of work
Introduction

• House Bill 285 signed into law on April 5, 2019
  – Authorizes appropriation and transfer of $1 million from General Fund to the IWRB’s Water Management Account
  – Up to $200K earmarked for “monitoring, data collection, modeling, literature review, economic analysis, and other forms of data gathering and analysis” in support of proposed revisions to the Mid-Snake River Total Maximum Daily Loads (TMDLs)
    • A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards
  • Mid-Snake River (Milner Dam to King Hill) was identified as water quality limited (i.e., water does not meet water quality standards)
Water Quality Limited

Photos from presentation by Southern Idaho Water Quality Coalition to Idaho Senate Resource and Environment Committee
Introduction (cont’d)

• A TMDL is computed by summing 3 primary components
  1. Waste Load Allocations for point source discharges
  2. Load Allocations for nonpoint sources
  3. Margin of Safety

• Point source discharges are regulated under the NPDES Permit Program
Introduction (cont’d)

- TMDLs for 2 pollutants (sediment and phosphorus) in 6 Mid-Snake River segments and 19 tributary stream segments – also for E. Coli in selected tribs
• TMDLs for 2 pollutants (sediment and phosphorus) in 6 Mid Snake River segments and 19 tributary stream segments – also for E. Coli in selected tribus

• Numeric water quality standards established for E. coli but standards for the 2 other TMDL pollutants are narrative

  – **Sediment** target based on requirement that “*sediment shall not ... impair designated beneficial uses.*” (IDAPA § 58.01.02.200.08)

  – **Total Phosphorus** target based on requirement that “*surface waters of the state shall be free from excess nutrients that can cause visible slime growths or other nuisance aquatic growths impairing designated beneficial uses.*” (IDAPA § 58.01.02.200.06)
Roles

• Project funds are being managed by IWRB/IDWR and work is being coordinated w/ IDEQ and USGS

• USGS will perform the work

• Also coordinating the work with SIWQC
SIWQC Members

- Blind Canyon Aqua Ranch
- Clear Springs Foods, Inc.
- City of Twin Falls
- Clif Bar Baking Company
- Evaqua Farms
- Idaho Aquaculture Association
- Idaho Dairymen’s Association
- Idaho Water Users Association
- Lamb Weston
- Northside Canal Company
- Snake River Soil and Water Conservation District
- The Nature Conservancy
- Twin Falls Canal Company
Roles (cont’d)

- Many SIWQC members also participate on the Mid-Snake Watershed Advisory Group, which was established in 1995 and meets ~ 4x/year.

- Idaho Power has 6 Mid-Snake hydro projects and has tentatively agreed to participate.
Background

- IWRRI conducted study of factors affecting aquatic plant growth in the Mid-Snake during the early 1990s
  - Reach from river mile 581 – 615 classified as “eutrophic” → overly-enriched in nutrients which induces excessive plant and algal growth
  - Crystal Springs reach (RM 599.5 – 601.3) is most productive and was focus of the last year of the field study
Background (cont’d)

• IWRRI conducted study of factors affecting aquatic plant growth in the Mid-Snake during the early 1990s
  – Reach from river mile 581 – 615 classified as “eutrophic” → overly-enriched in nutrients which induces excessive plant and algal growth
  – Crystal Springs reach (RM 599.5 – 601.3) is most productive and was focus of the last year of the field study

• Phosphorus TMDL approved by EPA in 1997
  – In-stream target of 0.075 mg/l at Gridley Bridge (later extended to entire Milner to King Hill reach)
  – IDEQ modeling predicted 30% reduction of nuisance aquatic growth in Crystal Springs subreach
EXPLANATION

- TMDL compliance points
- Snake River dams
- City
- USGS streamflow gage
- Perennial stream
- Intermittent stream
- Canal or ditch
- Major roads

Map area

Twin Falls

Swim Creek
Clover Creek
Big Wood River
Little Wood River

King Hill

Snake River

Bliss Dam

Malad River

Lower Salmon Falls Dam

Upper Salmon Falls Dam

Shoestring Bridge

Box Canyon

Crystal Springs

Salmon Falls Creek

Milner Dam

Snake River

Murtaugh

Twin Falls Falls Dam

Shoshone Dam

Twin Falls

map area

Twin Falls

Snake River

20 Kilometers

0 10
Background (cont’d)

• State of Idaho applied for NPDES primacy in 2016

• At April, 2017 Watershed Advisory Group meeting:
  – EPA expressed concerns with flow rate assumptions made for Mid-Snake nutrient TMDL
  – EPA and IDEQ announced plan to re-open and revise the calculations
  – EPA indicated that, unless the nutrient TMDL was re-opened, all new permits for point source discharges would impose 0.075 mg/l upper limit on end-of-pipe phosphorus concentration

• SIWQC formed in early 2018
Background (cont’d)

- June 2018 - EPA approved Idaho’s application for NPDES primacy and Idaho began phased implementation

- IDEQ now has primacy over new permits for municipal point source discharges, assumes primacy for industrial permits in July, 2019, and for aquaculture in July, 2020

- March, 2019 SIWQC presentation to Idaho Legislature indicates that proposed end-of-pipe TMDL would require load reductions of up to 99% for Mid-Snake municipalities
Pre-project planning

• IDWR met w/ IDEQ and USGS on 3 occasions in 2019 (4/2, 4/11, and 4/30)

• IDWR, USGS, and IDEQ also met w/ SIWQC on 4/12

• Met w/ IDWR remote sensing staff on 4/30

• General consensus that some methods/locations from early 1990s study should be replicated
Preliminary scope of work

• Monitor/map macrophytes in the Crystal Springs reach

• Evaluate potential use of satellite remote sensing and aerial surveys to extrapolate in-situ data

• Collect and analyze nutrient samples (water column and sediment)

• Collect data for 2D hydraulic model (e.g., bathymetry, river stage)
  – Potentially use model to evaluate “flow shaping” as mechanism for macrophyte removal/reduction
Thank you
Northern Idaho Adjudications
Why Adjudicate Water Rights?

• Water is a valuable resource in Idaho.
• Supplies are not always sufficient to meet all of the demands.
• Grandfather (beneficial use) rights must be determined
• Changes to water rights must be clarified
Balancing the Water Checkbook
Implementation

• 2006 Idaho State Legislature authorized IDWR to proceed with planning and implementation of the first of three water right adjudications in Northern Idaho, beginning with the Coeur d’Alene-Spokane River Basin Adjudication (CSRBA)

• Commencement Order for first phase, the CSRBA, issued by the Court on November 12, 2008
I.C. § 42-1406B: “Effective management of the waters of northern Idaho requires that a comprehensive determination of the nature, extent and priority of the rights of users of surface and ground water be determined.”
42-1406B. Northern Idaho Water Rights Adjudications

- Adjudication was split into three (3) phases:
  - Coeur d'Alene-Spokane River Basin (CSRBA)
  - Palouse River Basin (PRBA)
  - Clark Fork-Pend Oreille River Basins (CFPRBA)
Phase 1 – Basins 91-95

Coeur d’Alene-Spokane River Basin
### Current Status of CSRBA

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**13,000 claims originally projected**

* Update on CSRBA as of April 10, 2019

** Includes all State and Federal Law Claims and Court approved Late Claims
Current Status of Basin 95

• Filed Director’s Report, Part 1, July 27, 2018
  o 5,313 claims filed
  o Objections due by April 30, 2019
  o Responses due by July 1, 2019
  o Hearing on uncontested claims: September 17, 2019

• Filed Director’s Report, Part 2, February 26, 2019
  o 2,567 claims filed / 7 claims remaining to be reported
  o Objections due by July 15, 2019
  o Responses due by September 18, 2019
  o Hearing on uncontested claims: November 19, 2019
Phase 2 – Basin 87

Palouse River Basin
Current Status of Basin 87
Palouse River Basin Adjudication (PRBA)

• Commencement Order issued March 1, 2017
• Commencement notices to all property owners mailed out April 10, 2019
• Deadline for filing a Notice of Claim for water rights in this area is August 30, 2019
  o 154 claims filed as of May 9, 2019
• All federal claims to be submitted by December 31, 2019
• Satellite office in Moscow, ID May 14-16 & June 11-13
Phase 3 – Basins 96 and 97

Clark Fork-Pend Oreille River Basin
Basins 96 and 97 (CFPRBA)

I.C. § 42-1406B provides:

The filing of each petition shall be contingent on legislative funding approval.

IDWR intends to seek funding for adjudication no earlier than FY 2020.

- Will include all surface and ground water uses
- Water users can choose to defer (postpone) filing for small Domestic & Stockwater rights (I.C. § 42-111)
- Federal agencies will be included
Internet Access

- IDWR
  
  www.idwr.idaho.gov

- CSRBA Court
  
  www.csrba.idaho.gov
  
  - PRBA information also available here
Questions?

Thank you.