

Brad Little *Governor*

Roger W. Chase

Chairman Pocatello District 4

Jeff Raybould

Vice-Chairman St. Anthony At Large

Vince Alberdi

Secretary Kimberly At Large

Peter Van Der Meulen Hailey At Large

Albert Barker Boise District 2

John "Bert" Stevenson Rupert District 3

Dale Van Stone Hope District 1

Jo Ann Cole-Hansen Lewiston At Large

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*
- 6. Financial Report

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

1 WHEREAS, the Idaho Water Resource Board ("Board") is a constitutional agency of the State of 2 Idaho and empowered by Section 7 of Article XV of the Idaho Constitution and Idaho Code § 42-1734A 3 to formulate and implement a comprehensive state water plan for optimum development of water 4 resources in the public interest, subject to legislative approval; and

6 WHEREAS, on November 28, 2012, the Board adopted a revised "Idaho State Water Plan," and 7 revised Idaho State Water Plan provides for Minimum Average Daily Flow at the Murphy Gaging Station 8 on the Snake River of 3,900 CFS from April 1 to October 31, and 5,600 CFS from November 1 to March 9 31; and

11 WHEREAS, the Board is authorized under Chapter 15 of Title 42 to apply for and hold water 12 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 18

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

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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

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

52 WHEREAS, the Elmore County Board of Commissioners has executed a "*Stipulation for* 53 *Withdrawal of Protest*" ("*Stipulation*") that calls for withdrawal of the Board's protest to application 54 no. 02-10535, and for the permit issued pursuant to application no. 02-10535 to include conditions 55 acknowledging as follows:

- 57that the water being appropriated is "trust water" as defined in the Department of58Water Resources' rules for water appropriation;
- 60that "trust water" shall not be used for municipal domestic in-house uses Reslwithout61an approved Mitigation Plan that mitigates for any depletions to Snake River flows below62the "average daily flow" as measured at the Murphy Gaging Station pursuant to the63above-referenced Order, or that provides an alternative source of water for in-house64uses, if the flow of the Snake River falls below the "average daily flow" as measured at65the 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
 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;
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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.

Resolution Regarding Stipulation for Withdrawal of Protest to Water Right Application No. 02-10535 Resolution No. 6-2019 DATED this 10th day of May, 2018.

ROGER W. CHASE, Chairman Idaho Water Resource Board

ATTEST ____

VINCE ALBERDI, Secretary

Resolution Regarding Stipulation for Withdrawal of Protest to Water Right Application No. 02-10535 Resolution No. 6-2019

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 todate from the cigarette tax during the current fiscal year to be budgeted for FY 2020.

• Loan applications that we are tracking include:

Potential Applicant	Project	Loan Amount	Comment
Twin Falls Canal Company	Check Structures	\$2M	Planning to use BOR WaterSmart for matching dollars

Idaho Water Resource Board Budget and Committed Funds as of March 31, 2019

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SECONDARY AQUIFER PLANNING, MANAGEMENT, & IMPLEMENTATION FUND

YE 2018 Cash Balance		25,684,783.1
Y 2019 Revenue		
Interest Earned State Treasury	423,482.00	
HB547 - State Recharge & Aguifer Stabilization (SRAS)	4,700,228,12	
SB1176, Section 4 - Water Sustainability	5,000,000.00	
Department of Energy Grant (\$251K)	113,350.00	
Department of Energy Grant (\$2.068M).		
TOTAL FY 2019 REVENUE		10,349,060.1
Y 2019 Expenditures		
SRAS Equipment & Supplies - FY 18	(13,530.06)	
SRAS Equipment & Supplies - FY 19	(22,178.04)	
SRAS Conveyance Costs - FY 18	(4,224,908.87)	
SRAS Conveyance Costs - FY 19	(323,198.39)	
SRAS Site Monitoring - FY 18.	(74,918.82)	
SRAS Site Monitoring - FY 18	and the second second second second second	
	(180,327.88)	
SRAS Regional Monitoring - FY 18.	(82,007.31)	
SRAS Regional Monitoring - FY 19	(87,617.92)	
Water, Civil, & Environmental Inc (CON01269)	(80,863.31)	
Quadrant Consulting Inc (CON01261)	(44,846.33)	
Quadrant Consulting Inc (CON01296)	(9,882.93)	
Quadrant Consulting Inc (CON01301)	(24,500_00)	
Quadrant Consulting Inc (CON01337)	(8,779.05)	
New Sweden Irrigation District (CON01212)	(7,820.00)	
Big Wood Canal Company (CON01226)	(21.75)	
Big Wood Canal Company (CON01293)	(838,757.00)	
North Side Canal Company (CON01199)	(3,051,581,52)	
North Side Canal Company (CON01331)	(531,952,33)	
Big Wood Canal Company (Dietrich Drop - CON01281)	(193,960.94)	
Farmer Friend Irrigation Co Ltd (CON01297)	(105,841.65)	
The Ferguson Group	(48,154,42)	
Idaho Water Users Association	(5,080.00)	
Steve Stuebner - Media Services	(11,514,78)	
Wrike, Inc & Aquatics Informatics Inc.	(10,074,10)	
Lost Valley Reservoir Company (CON01282)	(24,759.00)	
WS Hydrology Monitoring - FY 18	(36,900.21)	
	(98,504,43)	
WS Hydrology Monitoring - FY 19		
Franklin & Marshall College (CON01266)	(1,940.00)	
Raiston Hydrologic Services.	(12,576.68)	
University of Arizona.	(570.00)	
Misc Costs for Lewiston Study (FedEx, etc.)	(47.36)	
Wood River Model Misc Expenditures (room rentals, refreshments, etc.)	(7,626.41)	
USGS - 6605 (Treasure Valley Modeling) FY18.	(186,341.09)	
University of Idaho (CON01210, TV Model)	(9,246.95)	
University of Idaho (CON01273, GIS)	(27,996.65)	
Treasure Valley Model Misc Expenditures	(284,71)	
Brown & Caldwell (CON01320 Treasure Valley Recharge Study)	(80,926.99)	
Department of Interior - Boise River Feasability Study (FY2018)	(500,000.00)	
Department of Interior - Boise River Feasability Study (FY2019)	(543,661.63)	
City of Idaho Falls grant (CON01223)	(2,500.00)	
NRCS Snow Survey contribution (USDA CON01177)	(50,000.00)	
Department of Energy Grant expenditures (\$251K).	(94,668,10)	
Department of Energy Grant expenditures (ESPA costs)	(46,325.03)	
Department of Energy Grant expenditures (EGI A costs)	(73,479.76)	

Brown & Caldwell (CON01201, MHAFB Project)	(597,860.61)
Birds of Prey - Right of Way Resolution	(58,129.00)
Misc Costs for MHAFB Project	(6.87)
Water District 02 Assessments	(15,499.55)
Idaho Power - Cloudseeding Model (CON01254)	(412,052.50)
US Dept of Interior-BOR (Boise River Studies)	****

TOTAL FY 2019 EXPENDITURES				(12,864,220.93)	
TY 2019 Cash Balance				23,169,622.30	
COMMITTED FUNDS THRU FY 2018 Cooperative Weather Modification Program (Cloud Seeding - CON01109) Department of Energy SEP grant (\$251,000) Mountain Home Air Force Base (PCA 29800)	Budget 492,000.00 200,000.00 1.000.000.00	Amended 900.000.00	Obligated 492,000.00 251,000.00 1.900.000.00	Expenditures (354,917.64) (251,000.00) (1,179,767.20)	Carry forward
Remaining Initial Funds	1,692,000.00	900,000.00	2,643,000.00	(1,785,684.84)	0.00
ESPA Recharge Operations					
FY 2018 Equipment & Supplies	100,000.00		100,000.00	(100,000.00)	
FY 2018 Conveyance Cost	2,500,000.00	2,200,000.00	4,700,000.00	(4,521,636,83)	(178,363.17)
FY 2018 Site Monitoring	150,000.00		150,000.00	(150,000.00)	
FY 2018 Regional Monitoring.	200,000.00		200,000.00	(200,000.00)	
Total ESPA Recharge Operations	2,950,000.00	2,200,000.00	5,150,000.00	(4,971,636.83)	(178,363.17)

Total Managed Recharge Investigations	571,471.25	34,000.00	605,471.25	(375,210.93)	(214,336.88)	15,923.44	379,218.46
Reserved for additional investigations and engineering (CON01269)	104,471.25	34,000.00	138,471.25	(155,797.77)		(17,326.52)	99,999.80
AFRD2 - MP 34 Investigation (CON01238)	45,000.00		45,000.00	(11,750.04)		33,249.96	45,500.04
Woodville Canal Co (CON01169)	17,000.00		17,000.00	(7,536.69)	(9,463.31)	0.00	7,536.69
Butte & Market Lake Canal Co (CON01168)	39,000.00		39,000.00	(32,512.46)	(6,487.54)	0.00	32,512.46
NSID Recharge Feasibility (CON01160, CON01212)	200,000.00		200,000.00	(52,855.00)	(147,145.00)	0.00	52,855.00
South Fork Engineering & Site Evaluation (CON01163, 1164, 1165)	166,000.00		166,000.00	(114,758.97)	(51,241.03)	0.00	140,814,47
Managed Recharge Investigations							
Total ESPA Managed Recharge Infrastructure	5,360,436.45	2,330,000.00	7,690,436.45	(3,779,740.45)	(341,932.07)	3,568,763.93	
Egin Lakes Phase II	500,000.00	80,000.00	580,000.00	(95,275.75)		484,724.25	
NSID Recharge Site Development	250,000.00		250,000.00		(250,000.00)	0.00	
AFRD2 MP 28 Hydro Plant (CON01247)	81,800.00		81,800.00	(11,800.00)	(70,000.00)	0.00	
Richfield Site Development (CON01226, 1234)	150,000		150,000.00	(128,067.93)	(21,932.07)	0.00	
Northside Canal Recharge Site (CON01240, CON01261)	328,636,45		328,636.45	(91,771.27)		236,865.18	400,000.00
NSCC Wilson Lake Infrastructure Project (CON01199, CON01331)	4,000,000.00	800,000.00	4,800,000.00	(3,258,864,56)		1,541,135.44	
Milner-Gooding Dietrich Drop hydro plant bypass (CON01281)	50,000.00	1,450,000.00	1,500,000.00	(193,960.94)		1,306,039.06	
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Committed 137,082,36

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STATEWIDE STUDIES & PROJECTS TREASURE VALLEY

TREASURE VALLEY						
Treasure Valley Modeling (USGS 6605)	500,000.00		500,000.00	(382,717.55)		117,282.45
Boise River Storage Studies	1,000,000.00		1,000,000.00	(1,000,000.00)		0.00
TREASURE VALLEY TOTAL	1,500,000.00	0.00	1,500,000.00	(1,382,717.55)	0.00	117,282.45
WOOD RIVER VALLEY						
Wood River Valley Aquifer GW Model (USGS 6601)	200,000.00		200,000.00	(102,958.83)		97,041.17
Canyon Creek Recharge Site	50,000.00	90,000.00	140,000.00			140,000.00
WOOD RIVER VALLEY TOTAL	250,000.00	90,000.00	340,000.00	(102,958.83)	0.00	237,041.17
WEISER BASIN						
Weiser River Basin Project/Lost Valley Reservoir	30,000,00		30,000.00	(24,759.00)		5,241.00
WEISER BASIN TOTAL	30,000.00	0.00	30,000.00	(24,759.00)	0.00	5,241.00
NORTHERN IDAHO AQUIFERS						
Lewiston Study Phase II	109,273.09		109,273.09	(58,122,36)		51,150.73

NORTHERN IDAHO AQUIFERS TOTAL	109,273.09	0.00	109,273.09	(58,122.36)	0.00	51,150.73	
OTHER STATEWIDE STUDIES & PROJECTS							
Aquifer monitoring network enhancements in priority aquifers	100,000.00		100,000.00	(100,000.00)		0.00	
Ground water conservation grants in priority aquifers	200,000.00		200,000.00	(62,484,03)	(137,515.97)	0.00	
Cooperative Cloud Seeding Program							
Operations & Maintenance (1/3 of total)	600,000.00	180,000.00	780,000.00	(780,000.00)		0.00	
Administrative expenses (public information, staff training, etc)	80,000.00		80,000_00	(44,457.35)	(35,542.65)	0.00	
Professional Assistance for securing Federal Funding	100,000.00		100,000.00	(96,399,29)	(3,600.71)	0.00	
NRCS Snow Survey contribution USDA (CON01177)	100,000.00	100,000.00	200,000.00	(150,000.00)		50,000.00	
Total Statewide Studies & Projects	1,180,000.00	280,000.00	1,460,000.00	(1,233,340.67)	(176,659.33)	50,000.00	
TOTAL COMMITTED FUNDS THRU FY 2018	13,643,180.79	5,834,000.00	19,528,180.79	(13,714,171.46)	(911,291.45)	4,902,717.88	Adjustment
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FY 2019 BUDGET	Budget (as approved - May 2018)	Amendments	Budget (as amended)	Obligated	Expenditures	Carry forward	Committed
ESPA Managed Recharge Operations			•	3			-
Equipment & Supplies	89,000.00		89,000.00	89,000.00	(22,178.04)		66,821.96
Conveyance Cost			3,500,000,00	3,500,000.00	(323,198.39)	(500,000.00)	2,676,801,61
Recharge Monitoring			554,550.00	554,550.00	(180,327.88)		374,222,12
Regional Monitoring			200,000.00	200,000.00	(87,617.92)		112,382.08
Total ESPA Managed Recharge Operations	4,343,550.00	0.00	4,343,550.00	4,343,550.00	(613,322.23)	(500,000.00)	3,230,227.77
ESPA Managed Recharge Infrastructure							
North Side CC - Wilson Canyon Site (CON01331)	1,750,000,00	150,000.00	1,900,000.00	1,900,000.00	(531,952.33)		1,368,047,67
AFRD2 MP29 Site (CON01296)	2,150,000.00		2,150,000.00	2,150,000.00	(9,882.93)		2,140,117.07
AFRD2 MP28 Hydro Plant Tailbay - Big Wood Canal (CON01293)	1,000,000.00	400,000.00	1,400,000.00	1,400,000.00	(838,757.00)		561,243.00
South Fork & other small Upper Valley sites	1,000,000.00		1,000,000.00	1,000,000.00	(105,841.65)		894,158.35
A&B Irrigation - Injection Wells	550,000.00		550,000.00	550,000.00			550,000.00
Reserved for Additional Recharge Projects	500,000.00	(400,000.00)	100,000.00	100,000.00			100,000.00
Total ESPA Managed Recharge Infrastructure	6,950,000.00	150,000.00	7,100,000.00	7,100,000.00	(1,486,433.91)	0.00	5,613,566.09
Managed Recharge Investigations							
North Side CC - Recharge Sites (CON01301)	200,000.00		200,000.00	200,000.00	(24,500.00)		175,500,00
Large Upper Valley Sites			200,000.00	200,000.00			200,000.00
Big/Little Wood Sites	200,000.00		200,000.00	200,000.00			200,000.00
Reserved for additional investigations and engineering.	300,000.00		300,000.00	300,000.00	(8,779.05)		291,220,95
Total Managed Recharge Investigations	900,000.00	0.00	900,000.00	900,000.00	(33,279.05)	0.00	866,720.95
ESPA Hydrologic Monitoring							
Hydrologic Monitoring (DOE - Year 1 of 3 = \$1.14M)	310,000.00		310,000.00	310,000.00	(46,325.03)		263,674.97
ESPA Hydrologic Monitoring	. 310,000.00	0.00	310,000.00	310,000.00	(46,325.03)	0.00	263,674.97
TREASURE VALLEY							
Treasure Valley Modeling Year 3 of 5 (USGS 6605)	500,000.00		500,000.00	500,000,00			500.000.00
Boise River Storage Studies (final payment).	(a)		1,000,000.00	1,000,000.00	(543,661.63)		456,338.37
Southeast Boise Groundwater Management Area Monitoring	100.000.00		100,000.00	100,000.00	(040,001.00)	(40,000.00)	60,000.00
Treasure Valley Recharge Study (CON01320)			200,000.00	200,000.00	(80,926.99)	(40,000,00)	119,073,01
Treasure Valley DCMI Water Conservation Study	200,000.00		200,000.00	200,000.00	(00,020,00)		200,000.00
TREASURE VALLEY TOTAL		0.00	2,000,000.00	2,000,000.00	(624,588.62)	(40,000.00)	1,335,411.38

CAMAS PRAIRIE							
Ground & Surface Water Monitoring	75,000.00		75,000.00	75,000.00			75,000.00
CAMAS PRAIRIE TOTAL	75,000.00	0.00	75,000.00	75,000.00	0.00	0.00	75,000.00
BIG LOST							
Hydrologic Monitoring (DOE - Year 1 of 3 = \$1.14M)	380,000.00		380,000.00	380,000.00	(73,479.76)		306,520.24
BIG LOST TOTAL	380,000.00	0.00	380,000.00	380,000.00	(73,479.76)	0.00	306,520.24
PALOUSE BASIN							
Water Sustainability Projects	100,000.00		100,000.00	100,000.00			100,000.00
PALOUSE BASIN TOTAL	100,000.00	0.00	100,000.00	100,000.00	0.00	0.00	100,000.00
BEAR RIVER BASIN							
Water Sustainability Projects	250,000.00		250,000.00	250,000.00			250,000.00
BEAR RIVER BASIN TOTAL	250,000.00	0.00	250,000.00	250,000.00	0.00	0.00	250,000.00
STATE-WIDE							
Aquifer monitoring network enhancements in priority aquifers	200,000.00		200,000.00	200,000.00	(98,504.43)		101,495.57
Cooperative Cloud Seeding Program							
Operations & Maintenance (1/3 of total)	800,000.00		800,000.00	800,000.00			800,000.00
Cloud Seeding Modeling Project, CON01254 (Year 2 of 4, Total \$1,470,000)	470,000.00		470,000.00	470,000,00	(412,052.50)		57,947,50
Operations Costs for add'I generators & Upper Snake aircraft	425,000.00		425,000.00	425,000.00	· Contraction of the second	(425,000.00)	0.00
Administrative expenses (public information, staff training, etc)	80,000.00		80,000.00	80,000.00	(15,154.10)		64,845.90
Professional Assistance for securing Federal Funding	100,000.00		100,000.00	100,000.00	(48,154.42)		51,845.58
STATE-WIDE TOTAL	2,075,000.00	0.00	2,075,000.00	2,075,000.00	(573,865.45)	(425,000.00)	1,076,134.55
Unspecified Projects in Other Areas or Carry-over	505,210.00	(150,000.00)	355,210.00				
TOTAL FY 2019 BUDGETED FUNDS	17,888,760.00	0.00	17,888,760.00	17,533,550.00	(3,451,294.05)	(965,000.00)	13,117,255.95

IDAHO WATER RESOURCE BOARD Sources and Applications of Funds as of March 31, 2019 REVOLVING DEVELOPMENT ACCOUNT

TREVER ING DEVELOT MENT ACCOUNT	
Original Appropriation (1969)	\$500,000.00
Legislative Appropriation FY90-91	\$250,000.00
Legislative Appropriation FY91-92	\$280,700.00
Legislative Appropriation FY93-94	\$500,000.00
Legislative Appropriation 2001, SB1239	\$200,000.00
Legislative Appropriation 2004, HB843, Sec 12	\$500,000.00
Loan Interest	\$11,171,503.29
Interest Earned State Treasury (Transferred)	\$2,074,226.69
Water Supply Bank Receipts	\$6,887,436.56
Transferred to/from Water Management Account	\$317,253.80
Filing Fee Balance	\$47,640.20
Bond Fees	\$1,469,601.45
Series 2000 (Caldwell/New York) Pooled Bond Issuers fees	\$43,657.93
2012 Ground Water District Bond Issuer fees	\$369,500.00
Bond Issuer fees	\$21,107.59
Pierce Well Easement	\$2,000.00
Transfer from Aqualife Hatchery Sub-Account	\$1,117,800.85
Transfer from Pristine Springs Sub-Account	\$554,882,10
Legislative Audits	(\$49,404,45)
IWRB Bond Program	(\$15,000.00)
IWRB Studies and Projects.	(\$249,067,18)
Arbitrage Calculation Fees	(\$12,000.00)
Protest Fees.	(\$995.00)
Attorney fees for Jughandle LID (Skinner Fawcett)	(\$3,600.00)
Attorney fees for A&B Irrigation (Skinner Fawcett)	(\$4.637.50)
Weiser Galloway Study - US Army Corps of Engineers.	(\$1,555,450.71)
Boise River Storage Feasibility Study	(\$333,000.00)
Geotech Environmental (Transducers)	(\$535,000.00)
Priest Lake Improvement Study (16-Mar-16)	(\$370.393.26)
Treasureton Irrigation Ditch Co	(\$5,000.00)
	(\$5,000.00)

Mountain Home AFB Water Sustainability Project (29514)

ation 2014, HB 479 Sec 1 and 2 \$4,000,000,00	
chase(\$2,500,000.00)	
LC(\$10,500.00)	
pplication	
olutions - Mark Alpert (\$34,459.18)	
Owner's Advisor	
/R Transfer	
ond Counsel	
& Shaw - DBO Counsel	
gs, travel, teleconference calls) (\$1,769.91)	
(\$1,648.16)	
sessments	
ome AFB Water Sustainability Project	\$0.00
oir Project (29517)	
ation 2014 HB 479 Sec 1 and 2 \$2 000 000 00	
servoir Project Costs (HB 479) (\$124 708 68)	
tion 2014, HB 479 Sec 1 and 2\$2,000,000.00 servoir Project Costs (HB 479)(\$124,708.68) & Reservoir Project\$1,8	375,291.32
	, LUI.UL
Enlargement) Feasibility Study (29518)	
ation 2014, HB 479 Sec 1 and 2 \$1,500,000.00	
ck Enlargement) Feasibility Study Costs (HB479) (\$1,500,000.00)	
rowrock Enlargement) Feasibility Study (HB479)	\$0.00
t (29520)	
ation 2014, HB 479 Sec 1 and 2 \$2,500,000.00	
tion 2014, HB 479 Sec 1 and 2 \$2,500,000.00 nent Costs (HB 479) (\$160,744.68)	
argement (HB 479)\$2,3	339,255.32
puter Infrastructure (29519)	
tion 2014. HB 479 Sec 1 and 2 \$500.000.00	
tion 2014, HB 479 Sec 1 and 2 \$500,000,00 Computer Infrastructure Costs (HB 479) (\$497,350,75)	
ank Computer Infrastructure (HB 479)	\$2,649.25
	217,195.89
	,
nent/Teton Dam Replacement Studies (29510)	
	300,000.00
	229,460.18)
am Enlargement/Teton Dam Replacement Studies \$5	570,539.82
gement Project (29521)	
ation (2018, HB 677 Sec 5) \$2,400,000.00	
(2018, HB 677 Sec 6\$2,419,580.50	
ribution\$106,068.13	
e Treasury	
es - Mott MacDonald (CON01290) (\$290,103.09)	
Water Management Project\$4,6	62,860.12

Bell Rapids Water Rights Sub-Account

Legislative Appropriation 2005, HB392	C21 200 000 00	
Bureau of Reclamation Payments Received	\$21,300,000.00 \$29,446,335.46	
Remaining balance in ESPA Sub-Account	\$341,759.55	
Interest Earned State Treasury	\$698,613.04	
Total Bell Rapids Water Rights Sub-Account Revenue		\$51,786,708.05
Bell Rapids Purchase	(\$22,041,697.55)	
Transfer to General Fund - P&I Payment to US Bank for Alternative Financing Note	(\$22,072,052.06)	
Payment for Water District 02 Assessments	(\$7,118,125.86) (\$60,383.27)	
Payment for Ongoing Bell Rapids Finance Costs (trustee fees, water bank	(\$6,740.10)	
Total Bell Rapids Water Rights Sub-Account Expenditures	(40), 10,10)	(\$51,298,998.84)
Cash Balance Bell Rapids Water Rights Sub-Account		\$487,709.21
Commited Funds		
Committed Funds Ongoing Bell Rapids Finance Costs (trustee fees, WD02) TOTAL COMMITTED FUNDS	\$487,709.21	
TOTAL COMMITTED FUNDS Uncommitted Bell Rapids Water Rights Sub-Account Balance	\$487,709.21	\$0.00
Uncommitted ben Rapids Water Rights Sub-Account Balance		\$0.00
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	(05, 400, 000, 00)	\$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 Total Pristine Springs Project Sub-Account Transfers	(\$2,864,000.00)	(\$7,993,300.00)
Cash Balance Pristine Springs Sub-Account		\$716.007.04
Pristine Springs Committed Funds		\$710,007.04
Loan Payments to be transferred to 0129	\$716,007.04	
TOTAL COMMITTED FUNDS.	\$716,007.04	
Loans Outstanding for Purchase of PS Water Rights		
Loan to North Snake & Magic Valley GWD	\$10,000,000.00	
Payments from North Snake & Magic Valley GWD	(\$5,379,030.89)	
Total Loans Outstanding	\$4,620,969.11	
Uncommitted Pristine Springs Sub-Account		\$0.00
Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account		
Pristine Springs Hydropower and Rental Revenues	\$271,672.34	
Interest Earned State Treasury Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account Revenu	\$573.11	4070 045 45
Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account Revenu		\$272,245.45
Spokane River Forum Treasure Valley Water Quality Summit	(\$18,000.00) (\$500.00)	
Rathdrum Prairie-Spokane Valley Aquiter Pumping Study (CON00989)	(\$70,000.00)	
Rootenal-Shoshone Soil & Water Cons. Dist Agrimet Station Rathdrum Prairie-Spokane Valley Aquiter Pumping Study (CON00989) Idaho Washington Aquiter Collaborative Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account Expend	(\$10,000.00)	
Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account Expend Cash Balance Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account	itures	(\$118,500.00) \$153,745.45
Committed Funds		\$155,745.45
Spokane River Forum	\$5,000.00	
TOTAL COMMITTED FUNDS	\$5,000.00	
Uncommitted Rathdrum Prairie CAMP & TV CAMP Sub-Account		\$148,745.45
Upper Salmon/CBWTP Sub-Account		
Water Transaction Projects Payment Advances from CBWTP/Accord	\$5,836,949.88	
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River	\$222,457.16	
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River	\$233,797.04	\$6 203 204 DB
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue	\$233,797.04	\$6,293,204.08
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank	\$233,797.04 (\$107,877.30)	\$6,293,204.08
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue	\$233,797.04	\$6,293,204.08
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank. Change of Ownership. Appraisals/Closing Costs. Payments for Water Acquisition	\$233,797.04	
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank. Change of Ownership. Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures	\$233,797.04 (\$107,877.30) (\$600.00) (\$13,386.48) (\$1,869,618.74)	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank. Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account	\$233,797.04 (\$107,877.30) (\$600.00) (\$13,386.48) (\$1,869,618.74)	
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Committed Funds	\$233,797.04 (\$107,877.30) (\$600.00) (\$13,386.48) (\$1,869,618.74)	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Committed Funds Administration of Non-Diversion Easements on Lemhi River	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch)	\$233,797.04 (\$107,877.30) (\$600.00) (\$13,386.48) (\$1,869,618.74)	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Committed Funds Administration of Non-Diversion Easements on Lemhi River	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank. Change of Ownership. Appraisals/Closing Costs. Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures. Cash Balance CBWTP Sub-Account. Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB. Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes)	\$233,797.04 (\$107,877.30) (\$600.00) (\$13,386.48) (\$1,869,618.74) \$141,540.61 \$28,952.25 \$10,511.60 \$114,994.78 \$417,694.87 \$878,989.77	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Expenditures Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB. Beaver Creek (OWBP) WSB. Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek BS (Betty Stokes)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Expenditures Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB. Beaver Creek (OWBP) WSB. Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek KS (Betty Stokes) Canyon Creek/Big Timber Creek (Beyeler)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Expenditures Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB. Beaver Creek (OWBP) WSB. Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek BS (Betty Stokes)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek BS (Betty Stokes) Canyon Creek/Big Timber Creek (Beyeler) Carmen Creek (Bill Slavin)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Expenditures Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB. Beaver Creek (OWBP) WSB. Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek BS (Betty Stokes) Carmen Creek (Bill Slavin) Carmen Creek (Bill Slavin) Fourth of July Creek (Defiance Investments) Iron Creek (Koncz)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Expenditures Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB. Beaver Creek (OWBP) WSB. Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek BS (Betty Stokes) Carmen Creek (Bill Slavin) Fourth of July Creek (Defiance Investments) Iron Creek (Koncz) Kenney Creek Source Switch (Gail Andrews)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership. Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account. Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DS (Betty Stokes) Canyon Creek/Big Timber Creek (Beyeler) Carmen Creek (Bill Slavin). Carmen Creek (Bill Slavin) Fourth of July Creek (Defiance Investments) Iron Creek (Koncz) Kenney Creek Source Switch (Gail Andrews) Lemhi - Big Springs (Merrill Beyeler)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank. Change of Ownership. Appraisals/Closing Costs. Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account. Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch). Badger Creek (OVBP) WSB. Beaver Creek (ODT LLP). Big Timber Tyler (Leadore Land Partners). Bohannon Creek DJ (Barbara Stokes). Bohannon Creek BS (Betty Stokes). Canyon Creek/Big Timber Creek (Beyeler). Carmen Creek (Blustavin). Carmen Creek (Buce Slavin). Fourth of July Creek (Defiance Investments) Iron Creek (Koncz). Kenney Creek Source Switch (Gail Andrews). Lemhi - Big Springs (Merrill Beyeler). Lemhi River & Little Springs Creek Kauer (McFarland Livestock Co)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB. Beaver Creek (OVBP) WSB. Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek BS (Betty Stokes) Carmen Creek (Bill Slavin) Carmen Creek (Bill Slavin) Fourth of July Creek (Defiance Investments) Iron Creek (Koncz) Kenney Creek Source Switch (Gail Andrews) Lemhi River & Little Springs Creek Kauer (McFarland Livestock Co) Little Springs Creek (Snyder)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB. Beaver Creek (OVBP) WSB. Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek BS (Betty Stokes) Carmen Creek (Bill Slavin) Carmen Creek (Bill Slavin) Fourth of July Creek (Defiance Investments) Iron Creek (Koncz) Kenney Creek Source Switch (Gail Andrews) Lemhi River & Little Springs Creek Kauer (McFarland Livestock Co) Little Springs Creek (Ellsworth Angus Ranch)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB. Beaver Creek (OVBP) WSB. Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek BS (Betty Stokes) Carmen Creek (Bill Slavin) Carmen Creek (Bill Slavin) Fourth of July Creek (Defiance Investments) Iron Creek (Koncz) Kenney Creek Source Switch (Gail Andrews) Lemhi River & Little Springs Creek Kauer (McFarland Livestock Co) Little Springs Creek (Snyder)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OVBP) WSB. Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek BS (Betty Stokes) Carmen Creek (Bill Slavin) Carmen Creek (Bill Slavin) Carmen Creek (Bill Slavin) Fourth of July Creek (Defiance Investments) Iron Creek (Koncz) Kenney Creek Source Switch (Gail Andrews) Lemhi - Big Springs (Merrill Beyeler) Lemhi River & Little Springs Creek Kauer (McFarland Livestock Co) Little Springs Creek (Ellsworth Angus Ranch) Lower Lemhi Thomas (Robert Thomas) P-9 Bowles (River Valley Ranch) P-9 Charlton (Sydney Dowton)	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account. Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB Beaver Creek (OVBP) WSB Beaver Creek (ODT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek BS (Betty Stokes) Carmen Creek (Bill Slavin) Carmen Creek (Bill Slavin) Fourth of July Creek (Defiance Investments) Iron Creek (Koncz) Kenney Creek Source Switch (Gail Andrews) Lemhi River & Little Springs Creek Kauer (McFarland Livestock Co) Little Springs Creek (Ellsworth Angus Ranch). Lower Eighteenmile Creek (Ellsworth Angus Ranch). Lower Lemhi Thomas (Robert Thomas). P-9 Bowles (River Valley Ranch). P-9 Dowton (Western Sky LLC).	\$233,797.04	(\$1,991,482.52)
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River Interest Earned State Treasury Upper Salmon/CBWTP Sub-Account Revenue Transfer to Water Supply Bank Change of Ownership Appraisals/Closing Costs Payments for Water Acquisition Upper Salmon/CBWTP Sub-Account Expenditures Cash Balance CBWTP Sub-Account. Committed Funds Administration of Non-Diversion Easements on Lemhi River Bayhorse Creek (Peterson Ranch) Badger Creek (OWBP) WSB. Beaver Creek (DOT LLP) Big Timber Tyler (Leadore Land Partners) Bohannon Creek DJ (Barbara Stokes) Bohannon Creek BS (Betty Stokes) Carmen Creek (Bill Slavin) Carmen Creek (Bill Slavin) Fourth of July Creek (Defiance Investments) Iron Creek (Koncz) Kenney Creek Source Switch (Gail Andrews) Lemhi - Big Springs (Merrill Beyeler) Lemhi River & Little Springs Creek Kauer (McFarland Livestock Co) Little Springs Creek (Ellsworth Angus Ranch) Lower Eighteenmile Creek (Ellsworth Angus Ranch) Lower Lemhi Thomas (Robert Thomas) P-9 Bowles (River Valley Ranch) P-9 Charlton (Sydney Dowton)	\$233,797.04	(\$1,991,482.52)

Date Oracle (Coloran Follo Lond)	0040 550 57		
Pole Creek (Salmon Falls Land) Pratt Creek (Mulkey)	\$640,552.57 \$82,209.89		
Spring Creek (Richard Beard)	\$2,576.35		
Spring Creek (Ella Beard)	\$3,775.81		
Whitefish (Leadore Land Partners)	\$147,479.89		
Total Committed Funds	\$5,070,143.60		
Uncommitted CBWTP Sub-Account Balance		(\$768,422.04)	
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 Committed Funds:		\$391,830.48	
Uwners Share	\$372,192.29		
Total Committed Funds	\$372 192 29		
Uncommitted Water Supply Bank Sub-Account Balance		\$19,638.19	
Eastern Snake Plain Sub-Account			
Legislative Appropriation 2005, HB392.	\$7,200,000.00		
Legislative Appropriation 2005, HB392, CREP Program	\$3,000,000.00		
Interest Earned State Treasury	\$2,025,958.93		
Loan Interest	\$269,304.33		
Reimbursement from Commerce & Labor W-Canal	\$74,709.77		
Reimbursement from MVGWD & NSGWD-Pristine Springs	\$1,000,000.00		
Reimbursement from Water District 1 for Recharge	\$159,764.73		
Reimbursement from BOR for Palisades Reservoir	\$2,381.12		
Black Canyon Exchange Project Revenues	\$23,800.00	643 7EE 040 00	
Eastern Snake Plain Sub-Account Revenue Instaliment payments to Bell Rapids Irr Co	(\$3,375,180.00)	\$13,755,918.88	
Installment payments to Bell Rapids In Co	(\$3,375,180.00) (\$19,860.45)		
Pristine Springs Project Costs	(\$6,863.91)		
Palisades (FMC) Storage Costs.	(\$3,519,790,74)		
W-Canal Project Costs	(\$326,834,11)		
Black Canyon Exchange Project Costs	(\$158,872.00)		
2008-2010 Recharge Conveyance Costs	(\$854,064.62)		
Additional recharge projects preliminary development	(\$7,919.75)		
Transfer to Bell Rapids Sub Account	(\$341,759.55)		
Transfer to Pristine Springs Sub Account.	(\$1,000,000.00)		
Transfer to Priest Lake Sub-Account (2018 HB 677, Sec 6)	(\$2,419,580.50)	(640.000.705.00)	
Eastern Snake Plain Sub-Account Expenditures Cash Balance Eastern Snake Plain Sub-Account		(\$12,030,725.63) \$1,725,193.25	
Loans and Other Commitments		φ1,725,155.25	
Commitment - Additional recharge projects preliminary development	\$337,594.00		
Commitment - Palasades 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 Committments		\$935,346.30	
CREP Loans Outstanding:			
American Falls-Aberdeen GWD (CREP)	\$47,192.85		
Bonneville Jefferson GWD (CREP)	\$37,408.43		
Magic Valley GWD (CREP) North Snake GWD (CREP)	\$44,981.79 \$0.00		
TOTAL ESP CREP LOANS OUTSTANDING	\$129,583.07		
Uncommitted Eastern Snake Plain Sub-Account Balance	· · · · · · · · · · · · · · · · · · ·	\$805,763.23	
Dworshak Hydropower Project	640 474 040 70		
Power Sales & Other Interest Earned State Treasury	\$10,171,310.73 \$700,807.61		
Total Dworshak Project Revenue.	the state of the s	\$10,872,118.34	
Transferred to 1st Security Trustee Account	\$148,542.63	ψ10,01£,110.34	
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	\$391,863.11		
Capital Improvements	\$318,366.79		
FERC Payments	\$118,290.56	181 866 666 111	
Total Dworshak Project Expenditures		(\$4,532,608.41)	
Cash Balance Dworshak Hydropower Project Dworshak Project Committed Funds		\$6,339,509.93	
Emergency Repair/Future Replacement Fund	\$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
	Amount	Principal	
Loans Outstanding:	Loaned	Outstanding	
A&B Irrigation District (Pipeline & Pumping Plant, Dec)	\$3,500,000.00	\$2,971,279.88	
A&B Irrigation District (Pipeline & Pumping Plant, Sept)	\$3,500,000.00	\$3,106,407.72	
Aberdeen-Springfield Canal Company (WRB-491; Diversion structure)	\$329,761.00	\$41,857.30	
Bee Line Water Association (San 23, 2014; System Improvements)		\$594 615 41	
Bee Line Water Association (Sep 23, 2014; System Improvements)	\$600,000.00	\$584,615.41 \$16,089,41	
Canyon County Drainage District No. 2 (28-Nov-12; Drain tile pipeline repla	\$600,000.00 \$35,000.00	\$16,089.41	
	\$600,000.00		

Clearview Water Company	\$50,000.00	\$36,655,11	
Consolidated Irrigation Company (July 20, 2012; pipeline project)	\$500,000.00	\$449,809.77	
Dalton Water Association	\$1,036,900.00	\$941,853.23	
Enterprise Irrigation District (14-Jul-06; Pipeline project)	\$37,270.00	\$660.60	
Evans Water Corporation & HOA	\$20,000.00	\$16,982.40	
Foothill Ranch Homeowners Association (7-oct-11; well rehab)	\$150,000.00	\$93,031.49	
Goose Lake Reservoir Corp	\$320,000.00	\$309,999.99	
Idaho Ground Water Appropriators (IGWA)	\$3,208,115.35	\$2,185,977.35	
Jefferson Irrigation Company (9-May-2008 Well Replacement)	\$81,000.00	\$13,377.13	
Last Chance Canal Company (14-July-2015, diversion dam rebuild)	\$2,500,000.00	\$1,967,217.74	
Lava Hot Springs, City of	\$347,510.00	\$18,875.89	
Lindsay Lateral Association (Engineering Design Project & Pipeline Study)	\$19,700.00	\$8,166.12	
Marsh Center Irrigation Company (13-May-05; Hawkins Dam)	\$236,141.00	\$65,760.08	
Marysville Irrigation Company (18-May-07, Pipeline Project Phase 1)	\$625,000.00	\$62,679.90	
Marysville Irrigation Company (9-May-08, Pipeline Project Phase 2)	\$1,100,000.00	\$281,486.61	
North Fremont Canal Systems (25-Jan-13; Marysville Project)	\$2,000,000.00	\$1,283,788.81	
North Side Canal Company (Phase 1 - canal rehab project)	\$1,846,092.61	\$1,692,448.59	
North Side Canal Company (Phase 2 & 3 - canal rehab project)	\$2,711,115.08	\$2,711,115.08	
Outlet Water Association (22-Jan-16; new well & improvements)	\$100,000.00	\$86,314.02	
Pinehurst Water District (23-Jan-15)	\$100,000.00	\$57,008.60	
Point Springs Grazing Association (July 20, 2012; stock water pipeline)	\$48,280.00	\$27,132.57	
Producers Irrigation Company	\$102,127.50	\$37,785.38	
Skin Creek Water Association	\$188,258.00	\$12,507.67	
St. Johns Irrigating Company (14-July-2015; pipeline project)	\$1,417,905.22	\$1,297,911.08	
Sunset Heights Water District (17-May-13; Exchange water project)	\$48,000.00	\$15,458.41	
Twin Lakes Canal Company (Winder Lateral Pipeline Project)	\$500,000.00	\$168,758.73	
Valley County Local Improvement District No. 1/Jughandle HOA (well project	\$907,552.00	\$514,429.20	
TOTAL LOANS OUTSTANDING			\$21,087,882.84
Loans and Other Funding Obligations:			
Senate Bill 1511 - Teton Replacement and Minidoka Enlargement Studies		\$678,161.82	
Weiser-Galloway Study (28-May-10)		\$461,620.87	
Monument Ridge Ranch Subdivision HOA		\$300,000.00	
North Fremont Canal Company			
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

Original Appropriation (1972). 1,000.000 00 Legislative Appropriation (6299/1984). (50,0000 00) Legislative Appropriation (6299/1984). (15,0000 00) Reverted to General Account 630/95 (14998, 1994). (35,011 25) Legislative Appropriation (51270, 1995, Aquifer Recharge, Caribou Dam). (10,000 000) Interest Earned. (24,047 04 Filing Fee Balance. 22,73,249 Funds from DEG and IDOC for Glemes Ferry Water Study. (20,0000 00) Legislative Appropriation (S1232, 2001) Sugariotic Market Study. Legislative Appropriation (S1232, 2001, Sugariotal Aquifer Recharge Project). (4,046 31) Legislative Appropriation (S1232, 2001, Sugariotal Aquifer Management Plan). 300,0000 00 Legislative Appropriation (S1476, 2006, SFP Aquifer Management Plan). 300,0000 00 Legislative Appropriation (S1476, 2006, SFP Aquifer Management Plan). 300,0000 00 Legislative Appropriation (S1476, 2007, SFP Aquifer Management Plan). 300,0000 00 Legislative Appropriation (S1474, Appraisals. (10,045, 45) Lomin River Vater Right Appraisals. (10,045, 45) Lomin River Vater Right Appropriation (S1474, Appraisals. (10,045, 45) Lomin River Vater Right Approp (HB	WATER MANAGEMENT ACCOUNT		
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Legislative Appropriation (HB988, 1994)			
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TOTAL 5,833,842.79 IWRB Expenditures (athin River Water Right Appraisals			
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IWRB Expenditures (31,000.00) Lemhi River Water Right Appraisals	TOTAL		5.833.842.79
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Legislative Audits (10.645.45) IWRB Appraisal Study (Charles Thompson) (6,000.00) Western States Wate Council Annual Dues (7,500.00) Transfer to/from Revolving Development Account (317.253.80) Recharge Projects (11.426.88) Grants Disbursed for Leg Approp (HB 712, Sec 1, 2018, Flood Mgmt Pg) (362.441.29) Expenditures Directed by Legislature (05.000.00) Obligated 1994 (HB988) (18.986.75) SB1260, Aquifer Recharge (947,000.00) SB1260, Soda (Caritou) Dam Study. (53.000.00) SB1260, Soda (Caritou) Dam Study. (53.000.00) SB1260, Aquifer Recharge Project (SB1239, 2001) (55.953.69) ESP Aguifer Management Plan (SB1496, 2006) (300.000.00) ESP Aquifer Management Plan (B18405, 2007) (801.077.75) TOTAL IWRB AND LEGISLATIVE DIRECTED EXPENDITURES (5.079,039.82) Curreent Account BaLance 754,802.97 Committed Funds: Flood Control District 9 \$5,148.30 Biane County \$34,263.79 754,802.00 Flood Control District 10 \$183,550.00 \$16,000.00 Flood Control District 10			
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TOTAL GRANTS & LOANS OBLIGATED & UNDISBURSED. 653,559.09 Uncommitted Funds. 101,243.88			
Uncommitted Funds			
CURRENT ACCOUNT BALANCE			
	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

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF STATEWIDE WATER SUSTAINABILITYAND AQUIFER STABILIZATION, AND THE SECONDARY AQUIFER STABILIZATION, AND SECONDARY AQUIFER PLANNING, MANAGEMENT , AND IMPLEMENTATION FUND FISCAL YEAR 2020 BUDGET

A BUDGET RESOLUTION

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

5 WHEREAS, House Bill 256 passed and approved by the 2019 Legislature allocated \$5 million in 6 ongoing General Fund dollars to the IWRB's Secondary Aquifer Fund for statewide water sustainability 7 and aquifer stabilization; and

8 WHEREAS, the IWRB has the opportunity to utilize up to \$2.068 million provided by the Idaho 9 National Laboratory for aquifer monitoring in the Eastern Snake Plain Aquifer and the Big Lost Basin 10 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

18 WHEREAS, the State of Idaho relies on spring discharge from the Eastern Snake Plain Aquifer 19 (ESPA) through the Thousand Springs to assist in meeting the minimum streamflow water rights at the 20 Murphy Gage established under the Swan Falls Agreement; and

21 WHEREAS, the ESPA has been losing approximately 216,000 acre-feet annually from aquifer 22 storage since the 1950's resulting in declining ground water levels in the aquifer and declining spring flows 23 from the aquifer; and

24 WHEREAS, during parts of 2013 and 2014 flows at the Murphy Gage approached the minimum 25 flow, and in 2015 flows at the Murphy Gage went below minimum flows; and 26 WHEREAS, the ESPA experienced conjunctive administration water use conflicts over the past two 27 decades that had the potential to significantly impact Idaho's economy; and

28 WHEREAS, on June 30, 2015 members of the Idaho Ground Water Appropriators entered into an 29 agreement with the Surface Water Coalition whereby the ground water users agreed to reduce their 30 consumptive use from the ESPA by 240,000 acre-feet annually and take other actions, and

31 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 138 32 supporting this agreement; and

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

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

38 WHEREAS, in 2018 the cities on the ESPA entered into an agreement with the Surface Water 39 Coalition and the Idaho Ground Water Appropriators whereby the cities agreed to enhance the ESPA by 40 an average of 7,650 acre-feet annually; and

- 41 WHEREAS, the 2019 Idaho Legislature passed and approved House Concurrent Resolution 10 42 supporting this agreement; and
- 43 WHEREAS, the ground water use reduction and managed recharge are together designed to 44 stabilize and then recover the ESPA; and
- 45 WHEREAS, a recent study commissioned by the IWRB predicts that approximately 160,000 to 46 283,000 new acre-feet of water supply may be needed to meet the DCMI needs of the growing Treasure 47 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
- 50 WHEREAS, conjunctive administration water delivery calls have been made in the Big and Little 51 Wood River Basins against junior-priority upstream ground water uses; and
- 52 WHEREAS, the Mountain Home aquifer is being over-drafted by about 30,000 acre-feet annually;

53 WHEREAS, the deep aquifer in the Palouse Basin has been declining for decades despite 54 aggressive conservation measures; and

- 55 WHEREAS, the Department of Water Resources recently enacted Ground Water Management 56 Areas in the Malad Valley Aquifer and the Lewiston Plateau Aquifer in response to declining ground water 57 levels in those aquifers; and
- Resolution No. 7-2019

58 WHEREAS, ground water levels in many aquifers are inadequate to sustain a supply of water for 59 surface and ground water irrigation, hydropower, municipal, industrial, and other uses, the curtailment 60 of which would cause severe economic harm to Idaho's economy; and

61 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 137 62 which recognized that stabilizing and enhancing aquifer levels is in the public interest, and directs the 63 IWRB to take actions in aquifers across the state to stabilize and enhance aquifer levels thereby 64 maintaining water supply for consumptive and non-consumptive uses and minimizing harm to Idaho's 65 economy arising from water supply shortages; and

66 WHEREAS, on April 23, 2019 the IWRB Finance Committee met in Jerome, Idaho, and 67 recommended the approval of a Fiscal Year 2020 Budget for the use of available funds in the Secondary 68 Aquifer Fund for statewide water sustainability and aquifer stabilization purposes; and

69 NOW THEREFORE BE IT RESOLVED that the IWRB adopts the Fiscal Year 2020 Budget for the 70 continuously-appropriated Secondary Aquifer Planning, Management, and Implementation Fund as 71 shown in <u>Attachment A</u> 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.

Resolution No. 7-2019

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.

- 97 BE IT FURTHER RESOLVED that all other expenditures from the Secondary Aquifer Fund shall 98 require an additional approval by the IWRB by resolution.
- 99 BE IT FURTHER RESOLVED that the IWRB may modify this budget during Fiscal Year 2020 at a 100 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

TOTAL	\$15,190,000
Estimated interest	\$500,000
DOE-INL SEP Funds (\$2.068 M over 3 years)	\$690,000
HB547 funds - receipt of Cigarette Tax proceeds	\$5,000,000
General Fund (HB 677):	\$5,000,000
Carry-Over From FY19	\$4,000,000

BUDGET TRACKING

Category	Sub-Category	FY20 Budget
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ESPA MANAGED RECHARGE

		Conveyance Cost	\$3,500,000
		Equipment & Supplies	\$192,880
	ESPA Recharge Operations	Recharge Monitoring	\$540,950
		Regional Monitoring	\$200,000
		TOTAL	\$4,433,830
		Northside Eden Projects	\$2,000,000
ESPA	Budgeted Projects	Large Upper Valley Investigations	\$500,000
Managed Recharge		Small Upper Valley Sites	\$1,000,000
Infrastructure		A&B Injection Wells	\$550,000
Projects	Reserved for additional recharge infrastructure projects		\$500,000
		TOTAL	\$4,550,000
		Big / Little Wood Sites	\$200,000
	Reserved for additional investigations and engineering		\$300,000
		TOTAL	\$500,000
ESPA Hydrologic N	Aonitoring (DOE Funding) (Year 2 of 3 - Total \$928,00	00)	\$310,000
ESPA MANA	GED RECHARGE TOTAL		\$9,793,830

TREASURE VALLEY

TREASURE VALLEY TOTAL	\$700,000
Treasure Valley DCMI Water Conservation Study	\$200,000
Treasure Valley Aquifer Ground Water Model (Year 4 of 5 - Total \$2.5 M)	\$500,000

CAMAS PRAIRIE

Ground & Surface Water Monitoring	\$15,000
CAMAS PRAIRIE TOTAL	\$15,000

BIG LOST TOTAL

Hydrologic Monitoring (DOE Funding) (Year 2 of 3 - Total \$1.14 M)	\$380,000
BIG LOST TOTAL	\$380,000

PALOUSE BASIN

PALOUSE TOTAL	\$100,000	I
Water Sustainability Projects	\$100,000	*

BEAR RIVER BASIN

BEAR RIVER BASIN TOTAL	\$100,000	
Tri-State Water Sustainability Initiative	\$100,000	*

COOPERATIVE CLOUD SEEDING PROGRAM

COOPERATIVE CLOUD SEEDING PROGRAM TOTAL	\$2,101,000	
Program Development Activities	\$200,000	*
Capital Expenses (HPC - Year 1 of 2, \$700,000 IWRB Total)	\$500,000	*
Cloud Seeding Modeling Project (Year 3 of 4 - Total \$1.47 Million)	\$231,000	
Operations & Maintenance Costs (Board portion 1/3 of annual cost for O & M)	\$1,170,000	

STATEWIDE	
Administrative expenses (public information, staff training, etc)	\$80,000
Hydrological monitoring hardware and software	\$15,000
Professional Assistance for securing Federal Funding	\$100,000
Aquifer monitoring network enhancement in priority aquifers	
Northern Idaho	\$125,000
Southern Idaho (non-	
ESPA)	\$125,000
STATEWIDE TOTAL	\$445,000

RESERVE FOR WORK IN OTHER PRIORITY AREAS OR CARRY- FORWARD INTO FUTURE YEARS	\$ 1,555,170
GRAND TOTAL	\$ 15,190,000

* 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.**



Idaho Water Supply Bank 2018 Rental Pools Report

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Water Supply Bank - Rental Pools | 2018 Report

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 water districts 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 rentals 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:

Rental Pool	Storage Water Leased	Storage Water Rented	Rental Price (\$/AF)	Lessor Rental Revenue	IWRB Revenue (10% of Rental Rate)	Water District Admin Fee	Water District Rental Revenue
			Commo	n Pools			
USBOR Pool	205,000	205,000	\$17/AF	\$3,485,000.00	\$348,500.00	\$1.30/AF	\$266,500.00
Large Pool	5,380	5,380	\$7/AF	\$37,660.00	\$3,766.00	\$1.30/AF	\$6,994.00
Small Pool	317	317	\$7/AF	\$2,219.00	\$221.90	\$1.30/AF	\$412.10
			Private	e Pools			
Supplemental Pool	70,000	70,000	\$30.18/AF	\$2,112,600.00	\$211,400.00	\$1.80/AF	\$126,000.00
Private Pool	129,614.2	129,614.2	Variable	\$1,789,024.60	\$178,902.46	\$1.30/AF	\$168,498.46
Totals	410,311.2	410,311.2		\$7,426,503.60	\$742,790.36		\$568,404.56
Table 1 Upper Spake Piver Pental Pool Transactions during 2018							

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:

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

 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:

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

 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:

Rental Pool	Storage Water Leased	Storage Water Rented	Rental Price (\$/AF)	Lessor Rental Revenue	IWRB Revenue (10% of Rental Rate)	Water District Admin Fee	Water District Rental Revenue
In Basin Pool	308	308	\$11.94/AF	\$3,677.75	\$425.75	\$0.50/AF	\$154.00

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.



LYLE SWANK WATERMASTER Phone (208) 525-7172 Fax (208) 525 7177 State of Idaho *Water District 1* 900 N Skyline Dr., Suite A Idaho Falls, Idaho 83402-1718

GARY SPACKMAN

March 6, 2019

RECEIVED MAR 1 1 2019

DEPARTMENt OF WATER RESOURCES

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 D	istrict #1
Watermaster is subject to	the adopted Water District #1 Rental Pool Procedures pursuant to I	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.

cofficial use only)

Watermaster Signature:

WATER DISTRICT #1 RENTAL POOL TWO-PARTY PRIVATE LEASE AGREEMENT

		(lessor/spaceholder) agrees to lease	acre-feet of
storage from its 2	017 storage allocation to		(lessee) at a
price of \$	according to the rules a	nd regulations contained in the Water District	t #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 <u>Idaho Code</u> 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.

4

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 \$_0.00__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 <u>Idaho Code</u> 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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2019 WATER DISTRICT 1 RENTAL POOL PROCEDURES

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:

1 st Installment	= (R x SP/TSP) / 2
2 nd Installment	= (R x 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 Tier1, 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 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:

Impact Fee Payment = (Isp * RP) * (Fp/Cp)

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:

Remaining Impact Payment = [(Isp*RP) – Impact Fee Payment] or [½ IF*(Isp/Ispt) – Impact Fee Payment]

- 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 Rule8.0 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 prorata 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.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 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 onehundred 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.

STATE OF IDAHO WATER DISTRICT No. 63 (BOISE RIVER)

REX R. BARRIE, WATERMASTER P.O. BOX 767 STAR, IDAHO 83669-0767 (208) 908-5480

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.

Payette River Basin, State of Idaho

Water District No. 65 102 N. Main Payette, ID 83661

Watermaster, **Ron Shurtleff**

Phone: 208-642-4465 Fax: 208-642-1042 E-mail: wd65@srvinet.com

January 30, 2019

RECEIVED

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

JAN 3 1 2019 DEPARTMENT OF WATER RESOURCES

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 Shuthf Ron Shutleff

WATER DISTRICT 65K ADVISORY COMMITTEE BOX 3126 MCCALL, ID 83638

MAR 2 7 2019 DEPARTMENT OF WATER RESOURCES

RECEIVED

IDWR Remington Buyer PO Box 83720 Boise, ID 83720-0098

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, ta Florence

Justin Florence

١.,

STATE OF IDAHO WATER DISTRICT No. 74 (LEMHI RIVER)

RICK SAGER, WATERMASTER P.O. BOX 744 SALMON, IDAHO 83467

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:

Carl Ellsworth, Ross Goddard, Stephen Shiner, Emil Herbst, Paul Fisher, Lowell Cerise, Ed Snook.

Thank you, Carl Elsurol

Water District #74 Advisory Committee.

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

A RESOLUTION TO REAPPOINT A RENTAL POOL LOCAL COMMITTEE AND APPROVE RENTAL POOL PROCEDURES

1	WHEREAS, section 42-1765, Idaho Code and subsections of IDAPA 37.02.030.40, Water
1	
2	Supply Bank Rule 40, authorizes the Idaho Water Resource Board to appoint local committees to
3	facilitate the lease and rental of stored water within rental pools; and
4	
5	WHEREAS, the Water District 01 Advisory Committee has requested to be reappointed as
6	the local committee for the Upper Snake River Rental Pool; and
7	
8	WHEREAS, the Water District 01 Advisory Committee has adopted amended procedures
9	pursuant to which they intend to facilitate the lease and rental of rental pool stored water; and
10	
11	WHEREAS, the Department of Water Resources has reviewed the local committee
12	procedures and lease and rental forms and recommends the Idaho Water Resource Board
13	reappoint the Water District 01 Advisory Committee as the local committee for the Upper Snake
14	River Rental Pool;
15	
16	NOW THEREFORE BE IT RESOLVED that the Advisory Committee for Water District 01,
17	Upper Snake River, is reappointed as the local committee for the Upper Snake River Rental Pool.
18	This appointment is effective for a period of five (5) years from the date of this resolution or until
19	amended or revoked by action of the Idaho Water Resource Board.
20	anchaea of revokea by action of the faulto water hesoarce board.
	NOW THEREFORE BE IT FURTHER RESOLVED that the amended Upper Snake River Rental
21	
22	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

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 RESOLUTION TO REAPPOINT A RENTAL POOL LOCAL COMMITTEE

1 2	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
3	facilitate the lease and rental of stored water within rental pools; and
4 5	WHEREAS, the Water District 63 Advisory Committee has requested to be reappointed as
6	the local committee for the Boise River Rental Pool; and
7	
8	WHEREAS, the Department of Water Resources has reviewed the local committee
9	procedures and lease and rental forms and recommends the Idaho Water Resource Board
10	reappoint the Water District 63 Advisory Committee as the local committee for the Boise River
11	Rental Pool;
12	
13	NOW THEREFORE BE IT RESOLVED that the Advisory Committee for Water District No. 63,
14	Boise River, is reappointed as the local committee for the Boise River Rental Pool. This
15	appointment is effective for a period of five (5) years from the date of this resolution or until
16	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

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 RESOLUTION TO REAPPOINT A RENTAL POOL LOCAL COMMITTEE

1 2	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
3 4	facilitate the lease and rental of stored water within rental pools; and
5	WHEREAS, the Water District 65 Advisory Committee has requested to be reappointed as
6 7	the local committee for the Payette River Rental Pool; and
8	WHEREAS, the Department of Water Resources has reviewed the local committee
9	procedures and lease and rental forms and recommends the Idaho Water Resource Board
10	reappoint the Water District 65 Advisory Committee as the local committee for the Payette River
11	Rental Pool;
12	
13	NOW THEREFORE BE IT RESOLVED that the Advisory Committee for Water District No. 65,
14	Payette River, is reappointed as the local committee for the Payette River Rental Pool. This
15	appointment is effective for a period of five (5) years from the date of this resolution or until
16	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

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

1 2	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
3 4	facilitate the lease and rental of stored water within rental pools; and
5	WHEREAS, the Water District 65K Advisory Committee has requested to be reappointed
6	as the local committee for the Payette River Rental Pool; and
7	
8	WHEREAS, the Department of Water Resources has reviewed the local committee
9	procedures and lease and rental forms and recommends the Idaho Water Resource Board
10	reappoint the Water District 65K Advisory Committee as the local committee for the Lake Fork
11	Rental Pool;
12	
13	NOW THEREFORE BE IT RESOLVED that the Advisory Committee for Water District No.
14	65K, Lake Fork, is reappointed as the local committee for the Lake Fork Rental Pool. This
15	appointment is effective for a period of five (5) years from the date of this resolution or until
16	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

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

1 2	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
3	facilitate the lease and rental of stored water within rental pools; and
4 5	WHEREAS, the Water District 74 Advisory Committee has requested to be reappointed as
6	the local committee for the Lemhi River Basin Rental Pool; and
7	
8	WHEREAS, the Department of Water Resources has reviewed the local committee
9	procedures and lease and rental forms and recommends the Idaho Water Resource Board
10	reappoint the Water District 74 Advisory Committee as the local committee for the Lemhi River
11	Basin Rental Pool;
12	
13	NOW THEREFORE BE IT RESOLVED that the Advisory Committee for Water District No. 74,
14	Lemhi River, is reappointed as the local committee for the Lemhi River Basin Rental Pool. This
15	appointment is effective for a period of five (5) years from the date of this resolution or until
16	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

<u>20182019</u>

WATER DISTRICT 1

RENTAL POOL PROCEDURES

2018-2019 Rental Pool Procedures

1

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20182019 WATER DISTRICT 1 RENTAL POOL PROCEDURES

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. Further define re: places of use with appurtenant Basin 01 water rights?] 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 <u>supplemental</u> 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 5.0COMMON 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, 20162019, 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, 2016–2019 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, 20162019, 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. <u>The Bureau and Committee shall also</u> 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:

1 st Installment	= (R x SP/TSP) / 2
2 nd Installment	= (R x 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 <u>within the</u> <u>District.above Milner</u>.
- 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 Tier1, 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 is 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, **T**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 <u>Bureau</u> Uncontracted (<u>non-powerhead</u>) Space.** Notwithstanding the limitations set forth in Rules 6.1 and 6.2, the Bureau may lease storage from its uncontracted (<u>non-powerhead</u>) 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:

Impact Fee Payment = (Isp * RP) * (Fp/Cp)

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:

Remaining Impact Payment = [(Isp*RP) - Impact Fee Payment] or $[\frac{1}{2} IF*(Isp/Ispt) - Impact Fee Payment]$

- 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 <u>prior year's</u> 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 <u>flow augmentation, water quality, minimum flows at Murphy, or</u>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 <u>Water District O1 commitments for</u> 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 the storage may be leased through the Supplemental Pool for the purposes described herein. After the Bureau certifies that it has sufficient flow augmentation supllies 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. <u>The 10,000 ac-ft preference -shall only be applied once per year.</u>

(b) Additional leases of storage in excess of 10,000 ac-ft may be authorized annually by the Committee pursuant to Rule 8.0. <u>If Mitigation Inc. supplies 10,000 ac-ft to the supplemental pool pursuant to 8.2(ba)</u>, <u>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), <u>Mitigation Inc. shall be permitted to supply 10,000 ac-ft storage to the supplemental pool along with other spaceholders supplying storage to the supplemental pool.</u></u>

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 onehundred 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.¹ 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.² 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.

<u>Rule 40.1.a - Determination of priority among competing applicants to lease stored water to the rental pool</u> 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.

<u>Rule 40.1.b - Determination of the reimbursement schedule for those leasing stored water into the rental</u> 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.

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

<u>Rule 40.1.c - Determination of the rental price charge to those renting stored water from the rental pool</u> 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'.

<u>Rule 40.1.d - Determination of the administrative charge to be assessed by the local committee</u> 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.

<u>Rule 40.1.e - Allocation of stored water leased to the bank but not rented</u> 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."

<u>Rule 40.1.f - Notification of the Department and the watermaster of any rentals where stored water will be</u> <u>moved from the place of use authorized by the permit, license, or decree establishing the stored water right</u> 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.

<u>Rule 40.1.g - Submittal of applications to rent water from the rental pool for more than five (5) years to the</u> <u>Board for review and approval as a condition of approval by the local committee</u>

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.

<u>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</u>

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.

<u>Rule 40.1.j</u> - 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.

<u>Rule 40.1.j</u> - Management of rental pool funds as public funds pursuant to the Public Depository Law, <u>Chapter 1,Title 57, Idaho Code</u>

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".



United States Department of the Interior

BUREAU OF RECLAMATION Pacific Northwest Region Snake River Area Office 230 Collins Road Boise, ID 83702-4520

SRA-1000 2.2.4.23

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:

- 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 WD 29D Advisory Committee PO Box 173 Downey ID 83234 May 1, 2019

Idaho Water Resource Board IWRB 322 East Front Street PO Box 83720 Boise ID 83720-0098

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 Poll 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.

WD 29D Advisory Committee PO Box 173 Downey ID 83234 April 2, 2019

Idaho Department of Water Resources IDWR Water District 1 900 N Skyline Dr Ste A Idaho Falls ID 83402

Lyle Swank Watermaster Water District 1 Members of the Committee of Nine Alternates and Advisors

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





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

Water Right no. 37- 23145 – 295 cfs from Little Wood River (1980 priority), POD – Milner-Gooding Canal - Shoshone Recharge Site with a period of use between 4/1 to 4/30 and an annual volume limit of 2,126 af, combined diversion limit with 37-7842

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

* 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.
- Enterprize 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.



Figure 1. IWRB daily recharge flows for the 2018/2019 season.

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.

IWRB Partner	Project Name	Project Type	Status	Approved Funds	Scheduled Completion	Description / Key Items
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
BLM	Wilson Canyon & MP 29 Right-of-Way	EA / Investigation	Active	\$100,000	Complete Mar 2019	 BLM Right-of-Way for Wilson Canyon & MP29 Site 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-canal improv. – Mar 2019 BLM ROW & constr. outside the canal – Mar 2019 Submit GW Quality Plan – Apr 2019 Completion of monitor wells – June 2019
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Table 3. C	Current IWRB ESPA Mana	aged Rechar	ge Proje	cts - Upper	Valley	
IWRB Partner	Project Name	Project Type	Status	Approved Funds	Scheduled Completion	Description / Key Items
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.

IWRB Partner	Project Name	Project Type	Status	Approved Funds	Scheduled Completion	Description / Key Items
AFRD2	MP 29 Recharge Site	Design	Planning	None at this time	Dec 2019	 Preliminary Design of potential recharge site at MP29 Survey data delivered - Feb 2018 Concept Options & Cost Estimate – Oct 2018 Design & Cost Estimated – April 2019 Board Consider Approval – May 2019 Start construction – Oct 2019 In canal construction complete – Nov 2019
North Side CC	Additional Managed Recharge Sites below Wilson Lake	Survey, Design	Planning	None at this time	2020	 Preliminary Design of potential recharge site Staff Evaluation and additional survey data – Summer 2018 LiDAR Survey Data – Nov 2018 Analysis of survey – Mar 2019 IWRB feedback on potential sites – Apr 2019 Design and Cost Estimate – After test of Wilson Canyon
	Upper Valley – Large Scale Recharge Project	Evaluation	Planning	None at this time	2020?	 Evaluation of the Upper Valley to determine the potential of developing a large scale managed recharge project Analysis of available data & report of potential areas – Jan 2019 Ranking of best areas – Spring 2019 IWRB/Aquifer Stabilization Committee input on potential sites – July 2019

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.

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

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

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 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:

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

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.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF CONSTRUCTION OF THE MP 29 RECHARGE SITE OFF AMERICAN FALLS RESERVOIR DISTRICT NO 2 MILNER-GOODING CANAL RESOLUTION TO APPROVE FUNDS FROM THE SECONDARY AQUIFER PLANNING, MANAGEMENT, AND IMPLEMENTATION FUND AND PROVIDE SIGNATORY AUTHORITY

1	WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates \$5 million from
2	the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary Aquifer Planning, Management,
3	and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and
4	
5	WHEREAS, Senate Bill 1402 passed and approved by the 2016 Legislature allocated \$5 million in
6	ongoing General Fund dollars and \$2.5 million in Economic Recovery Reserve Funds to the IWRB's
7	Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization; and
8	
9	WHEREAS, the Eastern Snake Plain Aquifer (ESPA) has been losing approximately 216,000 acre-
10	feet annually from aquifer storage since the 1950's resulting in declining ground water levels in the aquifer
11	and declining spring flows from the aquifer; and
12	
13	WHEREAS, the State Water Plan includes a goal to accomplish managed recharge in the ESPA
14	averaging 250,000 acre-feet annually; and
15	
16	WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136
17	directing the IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed
18	recharge to the ESPA by December 31, 2024; and
19	
20	WHEREAS, on May 18, 2018, the IWRB adopted the Secondary Aquifer Fund Fiscal Year 2019
21	Budget, which included \$2,150,000 for the development of the MP29 Managed Recharge Site to improve
22	managed recharge capacity in the ESPA; and
23	
24	WHEREAS, American Falls Reservoir District No 2 (AFRD2) operates and maintains an irrigation
25	delivery system that conveys water from the Snake River through the Milner-Gooding Canal to the MP 29
26	Managed Recharge Site; and
27	
28	WHEREAS, cost estimates provided by AFRD2 and Quadrant Consulting Inc. to construct the
29	required infrastructure and two (2) groundwater monitoring wells to for the Mile Post 29 Recharge Site
30	totals \$640,000;
31	
32	NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures budgeted for the MP
33	29 Managed Recharge Site, not to exceed a total of \$640,000, from the Secondary Aquifer Fund for the
34	development of the MP 29 Managed Recharge Site which includes construction of turnout structure, basin
35	improvements, and groundwater monitoring wells and
36	improvements, and groundwater monitoring wens and
30	

Resolution No.
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.

40

DATED this 10th day of May, 2019.

ROGER W. CHASE, Chairman Idaho Water Resource Board

ATTEST _

VINCE ALBERDI, Secretary

Resolution No.

Memorandum

To: Idaho Water Resource Board (IWRB)

From: Neeley Miller

Date: April 24, 2019

Re: Palouse Basin Aquifer Committee (PBAC) Update



Representatives from the Palouse Basin Aquifer Committee (PBAC) will discuss recent efforts towards developing a long terms sustainable water supply with the IWRB.

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)

























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2018 Temperature and Precipitation –



2013-





- 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)



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



Flannigan Creek storage

Conveyance to treatment for Moscow and UI

South Fork direct diversion for Pullman and WSU

Could meet 2324 MG supply target



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



						2018		2019				2020			
Tasks	2015	2016	2017	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
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 PBAC															
Identify and characterize four alternatives for carrying forward															
Summarize findings in final report, and address Part 1 data gaps				-	_	-									
Address Data Gaps (Part 2)															
Re-evaluate Snake River water right acquisition and mitigation strategy															_
Refine Alternative 1 water rights cost estimate															
Discuss ESA compliance/mitigation options with NMFS/USFWS															
Clearwater Diversion Alternatives Evaluation															
Identify instream flow constraints on NF/SF Palouse and Paradise Creek								•							
Collect water quality data on NF Palouse															
Evaluate NP Palouse water quality results															
Evaluate groundwater recharge opportunities near town of Palouse															
Evaluate Flannigan Creek storage property acquisition process															
Conduct Additional Engineering and Other Feasibility Evaluations	1														
Alternative 1															
Alternative 2															
Alternative 3															
Alternative 4															
Regional organization framework and refinements															
Conduct Environmental Review															
Develop Purpose and Need/EIS Overview															
Describe alternatives															
Describe affected environment															
Evaluate impacts and identify mitigation measures															
Conduct public involvement, consultation, and coordination															
Refined multi-criterion evaluation															
Draft EIS															
Final EIS															
Communications and Public Involvement															
Briefings to university and elected officials								1						1	
Research colloquium															
Stakeholder Engagement Group										-					
Public meetings and workshops															
Develop/update communications materials															
Palouse Water Summit															
PBAC updates										-					
Select and Implement Preferred Alternative															
Select Preferred Alternative															
Develop financing plan and organization structure															
30% Design															
Environmental permitting (ESA, CWA, etc., as applicable)															
60% Design															
90% Design															
ROW acquisition															
Develop implementing agreement(s)															
Bid and construct															

		2021							
Tasks	Q1	Q2 Q3	Q 4	2022	2023	2024	2025	2026	
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evelop integrated regional demand forecast									
ompile comprehensive list of storage and water management projects									
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iscuss and refine evaluation process results with PBAC									
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id and construct									



- 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








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









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
- Numeric water quality standards established for <u>E. coli</u> but standards for the 2 other TMDL pollutants are narrative
 - <u>Sediment</u> target based on requirement that "sediment shall not ... impair designated beneficial uses." (IDAPA § 58.01.02.200.08)
 - <u>Total Phosphorus</u> 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" → overlyenriched 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







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



Idaho Department of Water Resources



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



Northern Idaho Water Rights Adjudications

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

Basin	** Total Number of Claims Filed	Claims Remaining to be Reported	Projected Filing Date for Director's Report
91	663	6	Filed February 2015
92	927	1	Filed December 2014
93	568	3	Filed March 2014
94	1,995	5	Filed February 2016
95	7,960	7	Filed August 2018 - Basin 95 Part 1
			Filed Feb. 2019 - Basin 95 Part 2
Total	12,113	22	
W.	13,000 claims originally * Update on CSRBA as of App	** Includes all State and Federal Law Claims and Court approved Late Claims	

Basin 95 Part 1



Basin 95 Part 2



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
 - Responses due by July 1, 2019
 - Hearing on uncontested claims: September 17, 2019
- Filed Director's Report, Part 2, February 26, 2019

 2,567 claims filed / 7 claims remaining to be reported
 Objections due by July 15, 2019
 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.