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

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

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

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

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

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

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

WHEREAS, Idaho Code § 42-203C provides that applications to appropriate water held in trust by the State of Idaho pursuant to Idaho Code § 42-203B that would significantly reduce the amount of "trust water" available to the holder of the water right used for power production must be considered with respect to the "public interest;" and
WHEREAS, on October 27, 2014, the Director of the Department of Water Resources issued a "Final Order Regarding Measuring and Reporting the 'Average Daily Flow' as Measured at the Murphy Gaging Station" ("Order") for purposes of distributing water to the above-referenced hydropower water rights held by Idaho Power Company, the above-referenced hydropower water rights held in trust by the State of Idaho, and the above-referenced minimum stream flow water rights held by the Board; and

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

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

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

1. that the water being appropriated is "trust water" as defined in the Department of Water Resources’ rules for water appropriation;

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

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

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

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

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

Page 2
DATED this 10th day of May, 2018.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST
VINCE ALBERDI, Secretary
BEFORE THE IDAHO WATER RESOURCE BOARD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DATED this 10th day of May, 2019

ROGER W. CHASE, Chairman
Idaho Water Resource Board

VINCE ALBERDI, Secretary
PROPOSED FY2020 BUDGET FOR THE SECONDARY AQUIFER FUND

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

TOTAL $15,190,000

BUDGET TRACKING

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<thead>
<tr>
<th>Category</th>
<th>Sub-Category</th>
<th>FY20 Budget</th>
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<tr>
<td>ESPA MANAGED RECHARGE</td>
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<td>ESPA Recharge Operations</td>
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<td>Equipment &amp; Supplies</td>
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<td>Recharge Monitoring</td>
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<td>Large Upper Valley Investigations</td>
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<td>ESPA MANAGED RECHARGE TOTAL</td>
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Resolution No. 7-2019
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<td>Treasure Valley DCMI Water Conservation Study</td>
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<td>Cloud Seeding Modeling Project (Year 3 of 4 - Total $1.47 Million)</td>
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<td>Capital Expenses (HPC - Year 1 of 2, $700,000 IWRB Total)</td>
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<td><strong>COOPERATIVE CLOUD SEEDING PROGRAM TOTAL</strong></td>
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Resolution No. 7-2019
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<th>STATEWIDE</th>
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<td>Administrative expenses (public information, staff training, etc)</td>
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<td>Hydrological monitoring hardware and software</td>
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<td>Aquifer monitoring network enhancement in priority aquifers</td>
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<td>Northern Idaho</td>
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<td>Southern Idaho (non-ESPA)</td>
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| GRAND TOTAL                                                                | $15,190,000 |
|                                                                            |            |

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

Resolution No. 7-2019
BEFORE THE IDAHO WATER RESOURCE BOARD

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

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

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

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

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

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

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

DATED this 10th day of May, 2019.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST
VINCE ALBERDI, Secretary
BEFORE THE IDAHO WATER RESOURCE BOARD

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

RESOLUTION TO REAPPOINT A RENTAL
POOL LOCAL COMMITTEE

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

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

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

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

DATED this 10th day of May, 2019.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

VINCE ALBERDI, Secretary
BEFORE THE IDAHO WATER RESOURCE BOARD

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

RESOLUTION TO REAPPOINT A RENTAL POOL LOCAL COMMITTEE

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

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

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

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

DATED this 10th day of May, 2019.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST
VINCE ALBERDI, Secretary
BEFORE THE IDAHO WATER RESOURCE BOARD

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

RESOLUTION TO REAPPOINT A RENTAL
POOL LOCAL COMMITTEE

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

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

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

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

DATED this 10th day of May, 2019.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST
VINCE ALBERDI, Secretary

Resolution No. 11-2019
BEFORE THE IDAHO WATER RESOURCE BOARD

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

RESOLUTION TO REAPPOINT A RENTAL
POOL LOCAL COMMITTEE

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

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

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

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

DATED this 10th day of May, 2019.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST:
VINCE ALBERDI, Secretary

Resolution No. 12-2019
WHEREAS, House Bill 285 passed and approved by the 2019 legislature transferred $200,000 from the General Fund to the Water Management Fund for monitoring and modeling projects administered by the Idaho Water Resources Board (IWRB) to be used for supporting nutrient total maximum daily load (TMDL) objectives in the upper Snake/Rock Creek subbasin (HUC 17040212), also referred to as the Mid-Snake; and

WHEREAS, House Bill 285 allows for project tasks to include monitoring, data collection, modeling, literature review, economic analysis, and other forms of data gathering and analysis; and

WHEREAS, House Bill 285 directs the IWRB to coordinate this process and scope of work with the Idaho Department of Environmental Quality (IDEQ) and the United States Geological Survey (USGS); and

WHEREAS, IDEQ manages Idaho’s TMDL program and the USGS will perform project work; and

WHEREAS, the IWRB intends to allocate these funds no later than June 1, 2019, and

NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes its chairman or designee, Brian Patton, to execute the necessary agreements or contracts to implement the monitoring and modeling projects; and

BE IT FURTHER RESOLVED that the IWRB authorizes expenditures of funds to conduct Mid-Snake water quality monitoring and modeling projects.

DATED this 10th day of May 2019.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST
VINCE ALBERDI, Secretary