

APPENDICES

Restoring the Eastern Snake Plain Aquifer: A 10-year Progress Report on Sustainability Initiatives recommend in the ESPA Comprehensive Aquifer Management Plan

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**Appendix A – HB 264 (2009) and Eastern Snake Plain Aquifer
Comprehensive Aquifer Management Plan (ESPA CAMP)**

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 264

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO WATER; TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD HAS PREPARED AND ADOPTED THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN FOR THE EASTERN SNAKE PLAIN AQUIFER AS A COMPONENT OF THE COMPREHENSIVE STATE WATER PLAN, TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN IS APPROVED AS A COMPONENT OF THE COMPREHENSIVE STATE WATER PLAN, TO PROVIDE THAT STATE AGENCIES SHALL EXERCISE DUTIES IN A MANNER CONSISTENT WITH THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN, TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD SHALL PREPARE AND SUBMIT TO THE LEGISLATURE FOR APPROVAL A FUNDING MECHANISM, TO PROVIDE CRITERIA FOR THE FUNDING MECHANISM, TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD SHALL PREPARE AND SUBMIT, WITH THE ASSISTANCE OF THE IMPLEMENTATION COMMITTEE, ANY SUBSEQUENT PROPOSED CHANGES TO THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN, TO PROVIDE CRITERIA FOR IMPLEMENTATION PLANS, TO PROVIDE THAT IMPLEMENTATION OF PHASE I OF THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN IS SUBJECT TO LEGISLATIVE APPROVAL OF A FUNDING MECHANISM, TO PROVIDE CRITERIA FOR THE FUNDING MECHANISM, TO PROVIDE THAT PROVISIONS DO NOT CONSTITUTE AN OBLIGATION OF STATE FUNDS, TO PROVIDE THAT ANY STATE FUNDING SHALL BE SUBJECT TO THE AVAILABILITY OF FUNDS, TO PROVIDE FOR THE USE OF PREVIOUSLY APPROPRIATED FUNDS, TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN RECOGNIZES INCIDENTAL GROUND WATER RECHARGE IS AN IMPORTANT COMPONENT OF THE EASTERN SNAKE PLAIN AQUIFER WATER SUPPLY AND TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN SHALL INCLUDE SPECIFIED MEASURES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Pursuant to 2006 Senate Concurrent Resolution No. 136 and Section 42-1734A, Idaho Code, the Idaho Water Resource Board has prepared and adopted the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer as a component of the Comprehensive State Water Plan. Pursuant to Section 42-1734B(6), Idaho Code, the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer ("ESPA CAMP") is approved as a component of the Comprehensive State Water Plan. Pursuant to Section 42-1734B(4), Idaho Code, all state agencies shall exercise their duties in a manner consistent with the ESPA CAMP.

SECTION 2. The Idaho Water Resource Board shall prepare and submit to the Legislature for approval, a funding mechanism for implementation of Phase I of the

1 Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer. The funding
2 mechanism shall be consistent with the funding participation targets set forth in the ESPA
3 CAMP and shall be developed with the assistance of the ESPA CAMP Implementation
4 Committee. The Idaho Water Resource Board shall, with the assistance of the Implementation
5 Committee, prepare and submit to the Legislature for approval any subsequent proposed
6 changes to the ESPA CAMP. Implementation plans should seek to optimize outcomes for fish
7 and wildlife, recreation, hydropower, municipalities, irrigation, aquaculture and other uses.

8 SECTION 3. Implementation of Phase I of the Comprehensive Aquifer Management
9 Plan for the Eastern Snake Plain Aquifer is subject to legislative approval of a funding
10 mechanism, which shall be consistent with the funding participation targets set forth in the
11 ESPA CAMP. The act does not constitute an obligation of state funds and any state funding
12 shall be subject to the availability of funds. State agencies may use previously appropriated
13 funds to begin implementation of Phase I.

14 SECTION 4. The CAMP recognizes that incidental ground water recharge that occurs as
15 a result of the exercise of surface and flood irrigation water rights is an important component of
16 the Eastern Snake Plain Aquifer water supply. The CAMP implementation plan shall include
17 measures that recognize the benefits of incidental recharge, and that will encourage water users
18 and canal managers to continue their historic surface water diversion practices.

19 SECTION 5. An emergency existing therefor, which emergency is hereby declared to
20 exist, this act shall be in full force and effect on and after its passage and approval.

Eastern Snake Plain Aquifer (ESPA)

Comprehensive Aquifer Management Plan



ADOPTED BY **Idaho Water Resource Board**

JANUARY 2009

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE) RESOLUTION
EASTERN SNAKE PLAIN AQUIFER)
COMPREHENSIVE AQUIFER MANAGEMENT)
PLAN)
_____)

WHEREAS, the Idaho Water Resource Board (IWRB), pursuant to its planning authorities in Article XV, Section 7 of the Idaho Constitution, and Idaho Code 42-1734A, has completed a Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer as requested by Senate Concurrent Resolution 136 passed and approved by the 2006 Idaho Legislature; and

WHEREAS, the Board is directed to identify goals and objectives, as well as make recommendations for improving, managing, developing or conserving the water resources of the aquifer in the public interest; and

WHEREAS, the Board has sought and received substantial public participation and comment throughout the planning process.

NOW, THEREFORE, BE IT RESOLVED that the IWRB hereby adopts the attached Comprehensive Aquifer Management Plan and directs that it be submitted to the Idaho Legislature.

DATED this 29h day of January, 2008.



TERRY T. UHLING, Chairman
Idaho Water Resource Board



ATTEST

BOB GRAHAM, Secretary

Attachment 1 to Meeting 3-09
Date 1-29-09
Idaho Water Resource Board

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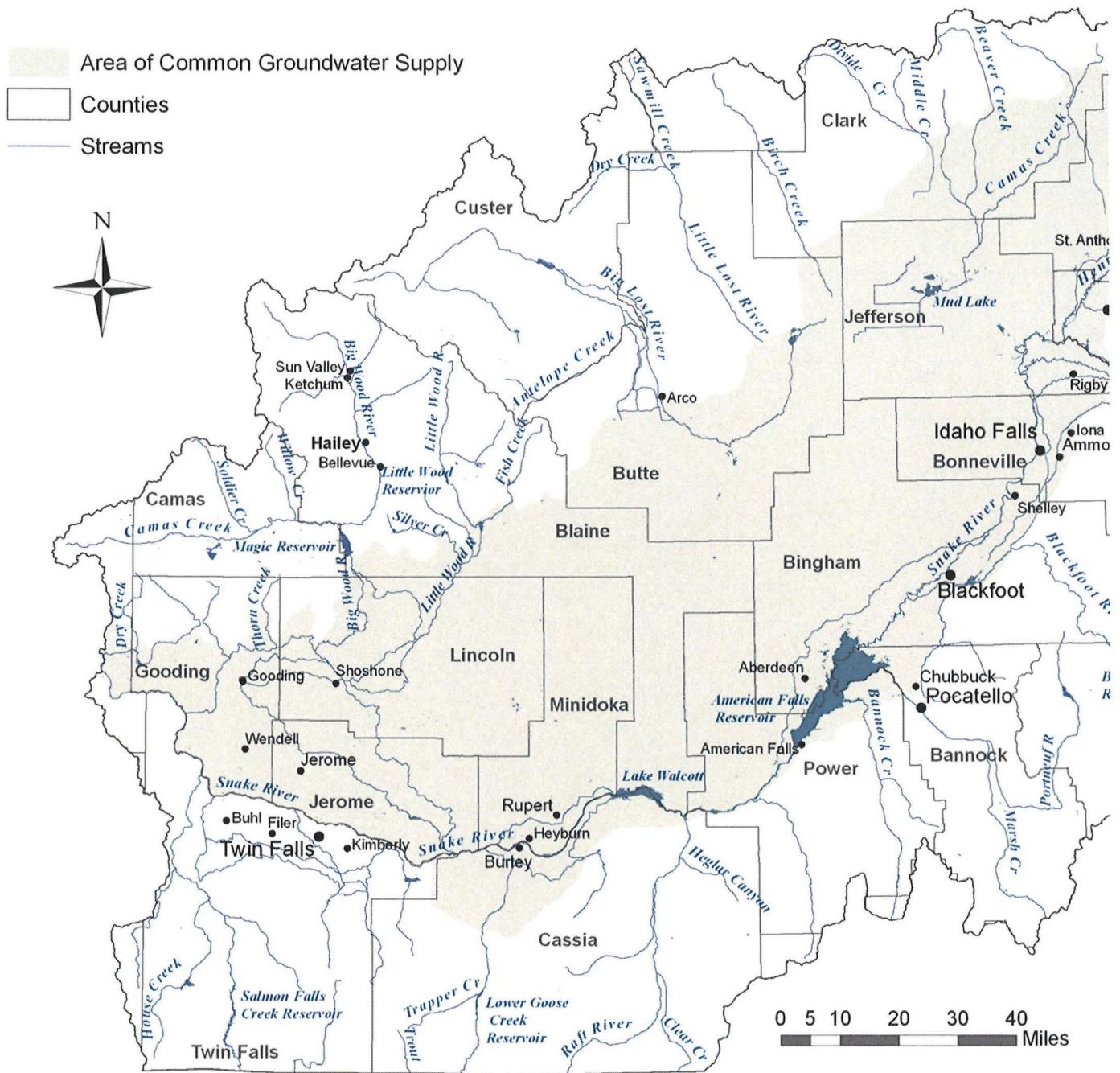
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ACRONYMS & KEY TERMS

Table 1 – Acronyms & Key Terms

Committee	Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan Advisory Committee
BOR	United States Department of Interior Bureau of Reclamation
CAMP	Comprehensive Aquifer Management Plan
cfs	Cubic feet per second
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
ESPA	Eastern Snake River Plain Aquifer or Eastern Snake Plain Aquifer
EQIP	Environmental Quality Incentive Program
IDWR	Idaho Department of Water Resources (also abbreviated as “Department”)
IWRB	Idaho Water Resource Board (also abbreviated as “Board”)
kaf	Thousand acre-feet
M&E	Monitoring and Evaluation
Plan	Eastern Snake Plain Comprehensive Aquifer Management Plan
TEMP	Temperature Enhancement Management Program

Figure 1 – Eastern Snake Plain





INTRODUCTION

House Concurrent Resolution No. 28, adopted in 2007, directed the Idaho Water Resource Board (Board) to pursue, with support from the Idaho Department of Water Resources (Department), development of a comprehensive aquifer management plan based on the recommendations made in the Eastern Snake River Plain Comprehensive Aquifer Management Plan Framework (Framework). The Framework was adopted by the Board in 2006 and set forth the overarching goals and objectives for the management of the Eastern Snake Plain Aquifer (ESPA).

This document presents a Comprehensive Aquifer Management Plan (Plan) for the ESPA. At the direction of the Governor and the Board, the Plan was developed collaboratively by the ESPA Advisory Committee (Committee).

This Plan in no way modifies or diminishes existing state water law, including the prior appropriation doctrine, or the power and duties of the Director of the Department.

1.0 EXECUTIVE SUMMARY

The ESPA region produces approximately 21 percent of all goods and services within the State of Idaho resulting in an estimated value of \$10 billion annually. Water is the critical element for this productivity.

The Plan establishes a long-term program for managing water supply and demand in the ESPA through a phased approach to implementation, together with an adaptive management process to allow for adjustments or changes in management techniques as implementation proceeds. Due to the inherent complexities in the management and responses of the river and aquifer to water budget changes, a very deliberate choice was made to incrementally implement the various mechanisms proposed in this Plan. The long-term objective of the Plan is to incrementally achieve a net ESPA water budget change of 600 thousand acre-feet (kaf) annually. It is projected that this hydrologic goal can be achieved by the year 2030 through implementation of a mix of management actions including, but not limited to, aquifer recharge, ground-to-surface water conversions, and demand reduction strategies. The Plan sets forth actions which stabilize and improve spring flows, aquifer levels, and river flows across the Eastern Snake Plain.

The goal of the Plan is to:

“Sustain the economic viability and social and environmental health of the Eastern Snake Plain by adaptively managing a balance between water use and supplies.”

The objectives of the Plan are to:

1. Increase predictability for water users by managing for a reliable supply.
2. Create alternatives to administrative curtailment.
3. Manage overall demand for water within the Eastern Snake Plain.
4. Increase recharge to the aquifer.
5. Reduce withdrawals from the aquifer.

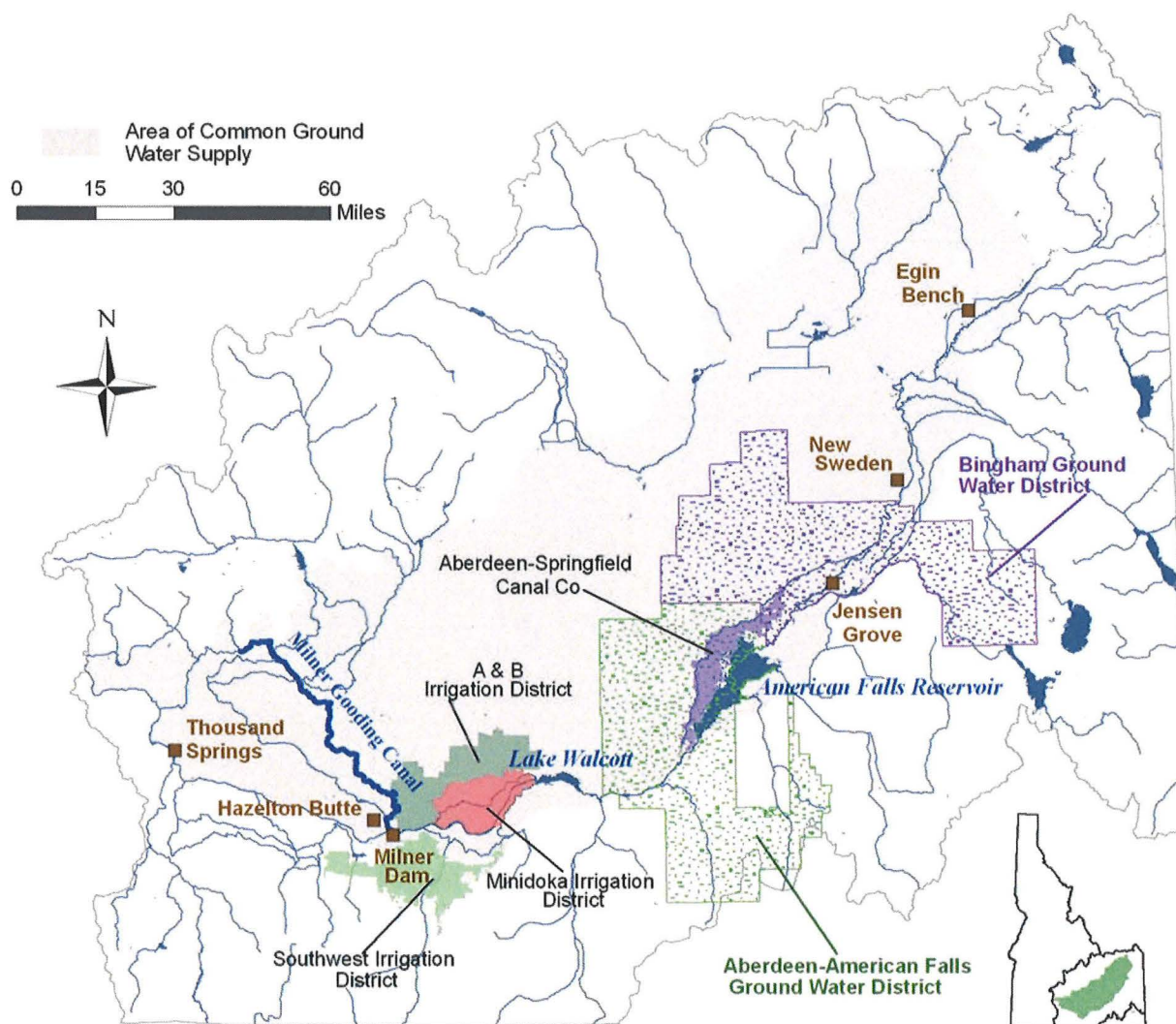
Immediate implementation of the Plan is necessary to achieve the stated goal and objectives.

The Plan approaches the 600 kaf target in phases. The Plan Phase I (1-10 years) hydrologic target is a water budget change between 200 kaf and 300 kaf. Phase I includes site-specific implementation actions based on the anticipated hydrologic effect of those actions, as outlined in Section 3.2.1. The water budget adjustment mechanisms include:

- A. Ground water to surface water conversions.
- B. Managed aquifer recharge.
- C. Demand reduction, including:
 1. Surface water conservation.
 2. Crop mix modification in the Aberdeen/Bingham groundwater district.
 3. Buyouts, buy-downs, and/or subordination agreements.
 4. Rotating fallowing, dry-year lease agreements, and Conservation Reserve Enhancement Program (CREP) enhancements.
- D. Pilot weather modification program.
- E. Minimizing loss of incidental recharge.

To ensure that the valuable input of stakeholders continues during the implementation of Phase I and the design and implementation of subsequent phases, this Plan establishes an Implementation Committee. This committee will provide recommendations to the Board concerning Phase I implementation, assessment of Phase I effectiveness, definition of subsequent phases, and coordination of activities necessary for implementation. This committee will also evaluate the effectiveness and viability of continuing Plan implementation during Phase I. The Implementation Committee will include representation, at a minimum, from all interest groups currently represented on the ESPA Advisory Committee.

Figure 2 – Eastern Snake Plain Aquifer Region Key Locations



Although the Plan is built upon a substantial base of technical information and knowledge, it is recognized that present-day solutions may be refined and improved as new information and technologies are developed. Accordingly, the Plan includes an adaptive management component which requires ongoing coordination between the Board's staff and the Implementation Committee. The Plan provides for continued effort to identify and address all water use needs affected by this Plan, including the integration of environmental considerations in decision making.

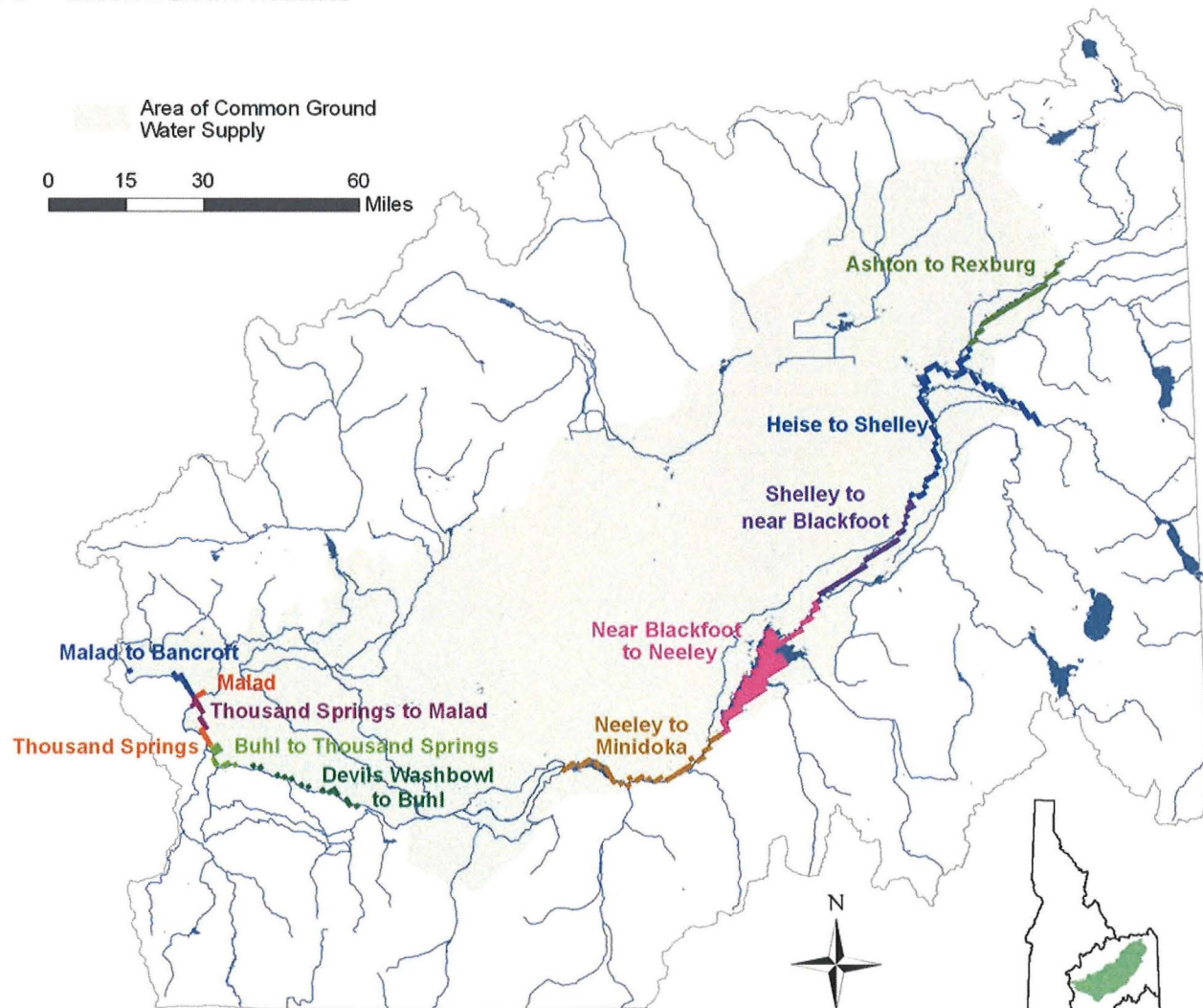
Full implementation of Phase I (10 years) is estimated to cost between \$70 million - \$100 million, or an estimated cost of \$7 - \$10 million annually. Subsequent phases and funding needs will be recommended by the Implementation Committee to the Board. Implementation funding will come from ESPA water users, state, federal, and private sources. This Plan is not designed to provide mitigation credit for any individual group, although it is expected that Plan implementation should reduce the demand for administrative solutions.

2.0 BACKGROUND

In response to declining aquifer levels and spring discharges and changing Snake River flows that resulted in insufficient water supplies to satisfy existing beneficial uses, the Idaho Legislature passed Idaho Senate Concurrent Resolution No. 136 in April 2006, and requested that the Board prepare and submit a comprehensive aquifer management plan for the ESPA. From the beginning, plan development took place in a public forum. After a series of public meetings with stakeholders, the Board presented the ESPA Plan Framework (Framework) to the Legislature on February 14, 2007.

The Framework recognized that supply of, and demands for, water are out of balance in the Eastern Snake River Plain and the connected Snake River, making more deliberate and coordinated management of surface waters of the Snake River and the underground waters of the ESPA a necessity. The Framework sets forth the overarching goal and objectives adopted by the Board for the management of the ESPA.

Figure 3 – Eastern Snake Reaches



As stated in the Framework, the goal of the Plan is to:

“Sustain the economic viability and social and environmental health of the Eastern Snake Plain by adaptively managing a balance between water use and supplies.”

The objectives of the Plan are to:

1. Increase predictability for water users by managing for a reliable supply.
2. Create alternatives to administrative curtailment.
3. Manage overall demand for water within the Eastern Snake Plain.
4. Increase recharge to the aquifer.
5. Reduce withdrawals from the aquifer.

The Framework outlined a process for development of the Plan that called for an advisory committee to prepare and recommend a plan to the Board. To that end, and pursuant to House Bill 320, the Board, in collaboration with the Governor, appointed stakeholder representatives to the ESPA Advisory Committee (see **Appendix A**). Beginning in May 2007, the Committee held monthly meetings. To ensure the process was transparent and inclusive, all meetings were open to the public and all related materials were posted on the ESPA website (www.esaplan.idaho.gov). In February 2008, the Board, with Committee recommendations, provided a Progress Report to the Natural Resources Interim Legislative Committee and outlined recommendations for initial water management actions (see **ESPA Plan technical documents at www.esaplan.idaho.gov**). The Board and Committee worked together to complete this Plan for submission to the 2009 Legislature.

2.1 Management Alternative Analysis

Guided by the goal and objectives in the Framework, the Committee identified and

considered opportunities for managing available water supply and demand to address current and future water use needs including, but not limited to, those for irrigated agriculture, aquaculture, industry, hydropower, municipalities, real estate development, and domestic users and to protect environmental values. The Committee conducted a comparative analysis to assess the potential effects of a range of management options, including:

- Managed and incidental recharge.
- Groundwater to surface water conversions.
- Demand reduction strategies including but not limited to:
 - CREP.
 - Dry-year leasing and rotating fallowing.
 - Crop mix changes.
 - Buy-outs and subordination agreements.
 - Water conservation measures.
- Additional surface water storage.¹
- Weather modification.
- Acquisition of water supplies below Milner Dam to meet Upper Snake River salmon flow augmentation obligations.

Working with the Committee, the Department developed alternative packages comprising a mix of these management options and analyzed each to ascertain the effects on reach gains and aquifer levels. The Department studied a range of potential water budget changes between 300 kaf and 900 kaf (see **ESPA Plan technical documents at www.esaplan.idaho.gov**). In addition, six packages of management strategies were examined to provide a comparison of the hydrologic benefit, economic consequences, and potential environmental impact of pursuing such actions.

2.2 Plan Implementation Benefits

Water is a unifying and critical feature of the region. About one-third of Idaho’s population resides on the Eastern Snake Plain. The ESPA is the sole source of drinking water for both cities and

¹The Idaho Legislature and Board are evaluating the feasibility of additional surface water storage across the state in order to increase available water supply. Ongoing studies will outline the benefits, costs, alternatives and impacts of such projects.

most rural residents. Agriculture is the largest segment of the local economy and the largest consumptive user of water. There are roughly 2.1 million irrigated acres on the ESPA (about 60% of Idaho's total). Of the 2.1 million irrigated acres, 871,000 acres are irrigated from surface water, 889,000 acres are irrigated from ground water, and 348,000 acres are irrigated from both sources. Beyond irrigated agriculture, food processing and aquaculture facilities (both public and private) depend on an ample supply of ground water. Springs discharging from the ESPA also sustain fish and wildlife habitat and provide water quality benefits. Hydroelectric power generation, recreation, and fisheries are also dependent on river flows. Though small relative to agricultural uses, DCMI (domestic, commercial, municipal, industrial) water use is also increasing. Providing for these DCMI uses is vital to the future growth of state and local economies. The value of the goods and services produced in the ESPA region was estimated at \$10 billion in 2006.² This amounts to approximately 21 percent of all the goods and services produced in the State of Idaho.

Implementation of the Plan will meet the goal and objectives outlined in the Framework by:

- Improving aquifer levels (stabilization and potential enhancement).
- Increasing gains in some river reaches.
- Increasing water supply certainty for all users.
- Decreasing demand for litigation and administrative remedies.
- Allowing for municipal and industrial growth.
- Providing an ongoing public process for assessing the hydrologic, economic, and environmental issues related to the implementation of aquifer management strategies.

Implementation of the ESPA Plan will also provide a template of a collaborative planning process

that can be used in other regions in Idaho. In addition, proactive management of water supplies will help address variability in climatic conditions, including drought. The expected changes in the water budget, resulting from implementation of the management plan, should provide flexibility for future water management.

2.3 Consequences of Inaction

The continued viability of irrigated agriculture, aquaculture, industry, hydropower, municipalities, future development, domestic uses and environmental resources will be adversely impacted if the current water supply trends continue on the ESPA. Implementation of the Plan is expected to change these trends and help protect the economic viability of Idaho as a whole.

Without increased precipitation and an adaptive plan to manage a balance between water use and supply in the ESPA, the following scenarios are expected:

- An escalation of conflict between water users.
- Increased litigation.
- Increased likelihood of ground water curtailment.
- Limited opportunities for community growth.
- More expensive water for industries and increased power costs, resulting in limited opportunities for economic and community growth.
- Adverse impact to the health of the state economy.

Inaction will result in continued uncertainty and instability for water users, increased vulnerability to changes in yearly supply, and less water for the expansion of municipal, industrial and commercial uses. Implementation of the Plan will provide certainty and stability and also provide a

²This figure was approximated by subtracting transfer payments from personal income on a county-level basis, using data published by the Bureau of Economic Analysis. This approach was recommended by Michael Ferguson, Idaho Chief Economist. Using this approach, the estimated value of goods and services produced in the ESPA region was \$10 billion in 2006.

mechanism for taking advantage of periodic wet years and high flow events when surplus water may be available. Without the additional infrastructure recommended by the Plan, the region will not have the ability to take advantage of wet years and high flow. This could mean lost opportunities for municipal, industrial, and commercial growth. It could also mean increased vulnerability to changes in yearly supply, especially a problem as available water is stretched to cover more needs.

The State of Idaho and the Board, by implementing a collaborative approach to water management, have demonstrated that different interests that depend on the aquifer, springs, and the river can work together to develop a comprehensive water management plan. Therefore, it is essential that the State and the Board continue to provide direction and financial support to implement the Plan. Those involved in the Plan process devoted significant time and effort toward educating

each other about their concerns and the ways in which different interests are affected by water management decisions. This process was vital to the development of the Plan and will continue through the establishment of an Implementation Committee that will assist the Board as it moves forward.

3.0 RECOMMENDATIONS

3.1 Long-Term Hydrologic Goal

The Plan establishes a long-term goal of 600 kaf average annual change to the aquifer water budget with implementation occurring over a 20-year period. A 600 kaf water budget change is considered an appropriate long-term goal considering present and future water needs, hydrologic impacts, and cost. It is currently estimated that achieving the long-term 600 kaf goal will cost more than \$600 million. Full implementation of the long-term goal is dependent on many variables including water availability and funding. As such, specific actions will need to be developed by the Board after consideration of the recommendations submitted by the Implementation Committee. The Plan, by adopting a mix of

strategies, represents a balanced approach to modifying the water budget. Specifically, the Plan includes aquifer recharge, groundwater to surface water conversions, and demand reduction efforts. Careful consideration was given to the following factors in the development of the long-term goal:

- Ability to target actions to accomplish specific hydrologic goals in specific locations.
- Time frame and ease of implementation.
- Environmental and economic impacts.
- Practicality, including financing and public and political acceptance.

The Plan provides for the implementation of the following management strategies:

Ground Water to Surface Water Conversions	Approximately 100 kaf/year annual average (by acquiring water supplies below Milner Dam to replace water required from the Upper Snake River for salmon flow augmentation).
Aquifer Recharge	Approximately 150-250 kaf/year (using the Board's natural flow water permit and storage water when available).
Demand Reduction	Approximately 250-350 kaf/year (using voluntary mechanisms based on the principle of willing seller/willing buyer to reduce aquifer and spring flow demands, including CREP, purchases, subordination agreements, fallowing and crop mix changes, and other mechanisms).
Pilot Weather Modification Program	Implement a 5-year pilot weather modification project in the Upper Snake River Basin and potentially the Wood River system, with state, local and other agency support. Include a detailed monitoring program for the weather modification program.

Table 2 – Plan Hydrologic Targets

PLAN HYDROLOGIC TARGETS		
ACTION	PHASE I TARGET (KAF)	LONG-TERM TARGET (KAF)
Ground Water to Surface Water Conversion	100	100
Managed Aquifer Recharge	100	150-250
Demand Reduction		250-350
<i>Surface Water Conservation</i>	50	
<i>Crop Mix Modification</i>	5	
<i>Rotating Fallowing, Dry-Year Lease Agreements and CREP Enhancements.</i>	40	
<i>Buy Outs, Buy Downs, and/or Subordination Agreements</i>	No Target (Opportunity-Based)	
Weather Modification	50*	No Target
TOTAL	200-300	600

*50 KAF was used in hydrologic modeling, based on a conservative estimate provided in the Upper Snake Weather Modification Feasibility Study.

3.2 Phase I Hydrologic Targets

The Phase I (1 - 10 years) hydrologic target is an average annual water budget change between 200 kaf and 300 kaf. Hydrologic analysis of Phase I implementation demonstrates significant hydrologic benefit across the ESPA. Phase I recommendations include site-specific implementation actions and the expected hydrologic effect of those actions. While implementing Phase I, it will be important to identify any unintended adverse consequences of such actions.

The following hydrographs provide an example of the benefits of Phase I actions. These hydrographs

simulate the river reach gains and ground water level changes that would have occurred had Phase I actions been implemented in water years 1980 through 2005. Actual changes in the water budget will vary depending upon future climatic conditions and when the actions are implemented.

Monitoring and evaluation is an important component of each action. Monitoring and evaluation is required to assess the progress and effectiveness of each action and will assist in the development and implementation of future actions. In implementing Phase I, the Board will continue to solicit advice and recommendations from the Implementation Committee and the public.

Figure 4 – Snake River: Ashton to Minidoka Reach

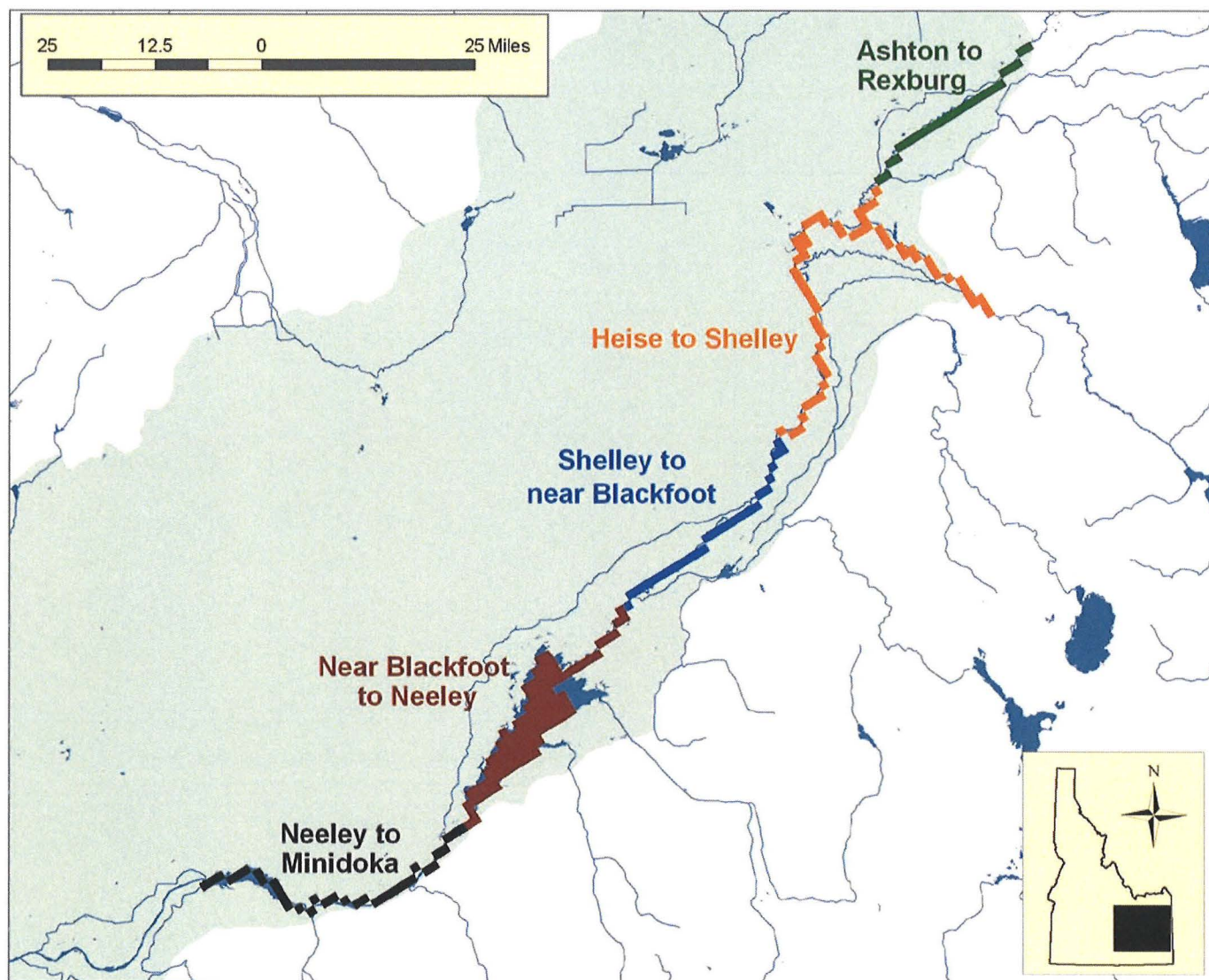


Figure 5 – Hydrographs of Simulated River Reach Gains Resulting from Phase I Implementation, in the Ashton to Minidoka Reach

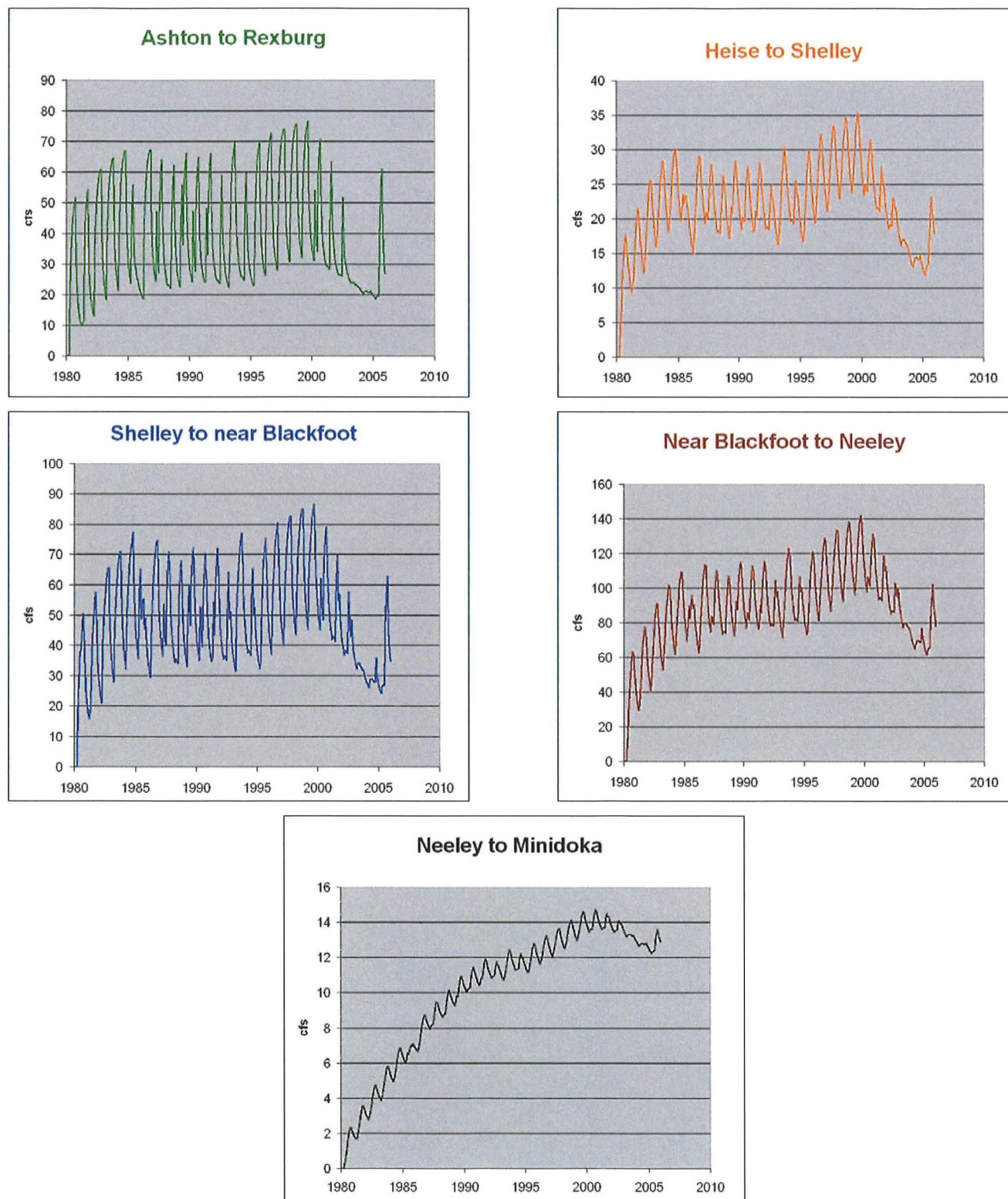


Figure 6 – Snake River: Devils Washbowl to Bancroft Reach

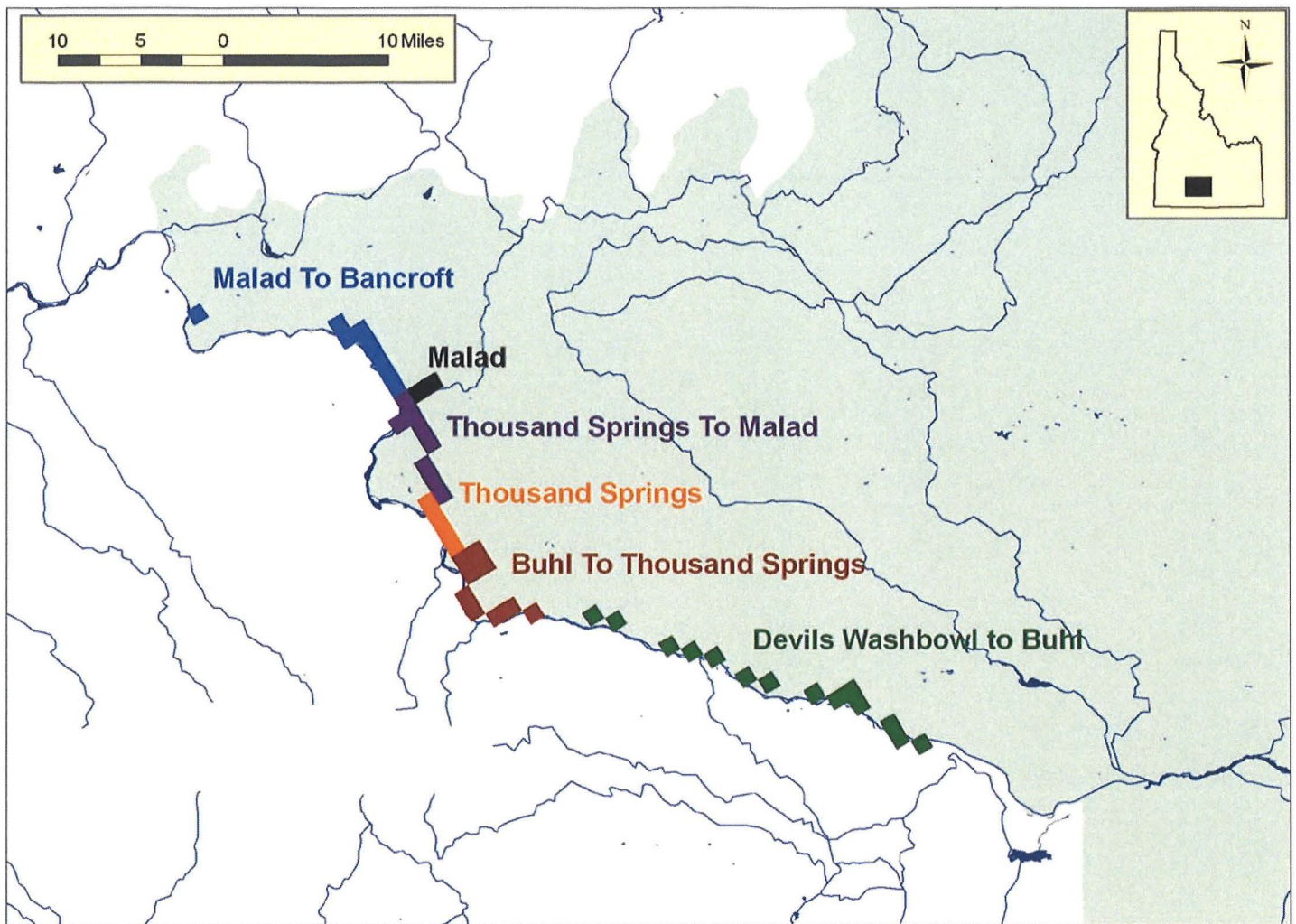


Figure 7 – Hydrographs of Simulated River Reach Gains Resulting from Phase I Implementation in the Devils Washbowl to Bancroft Reach

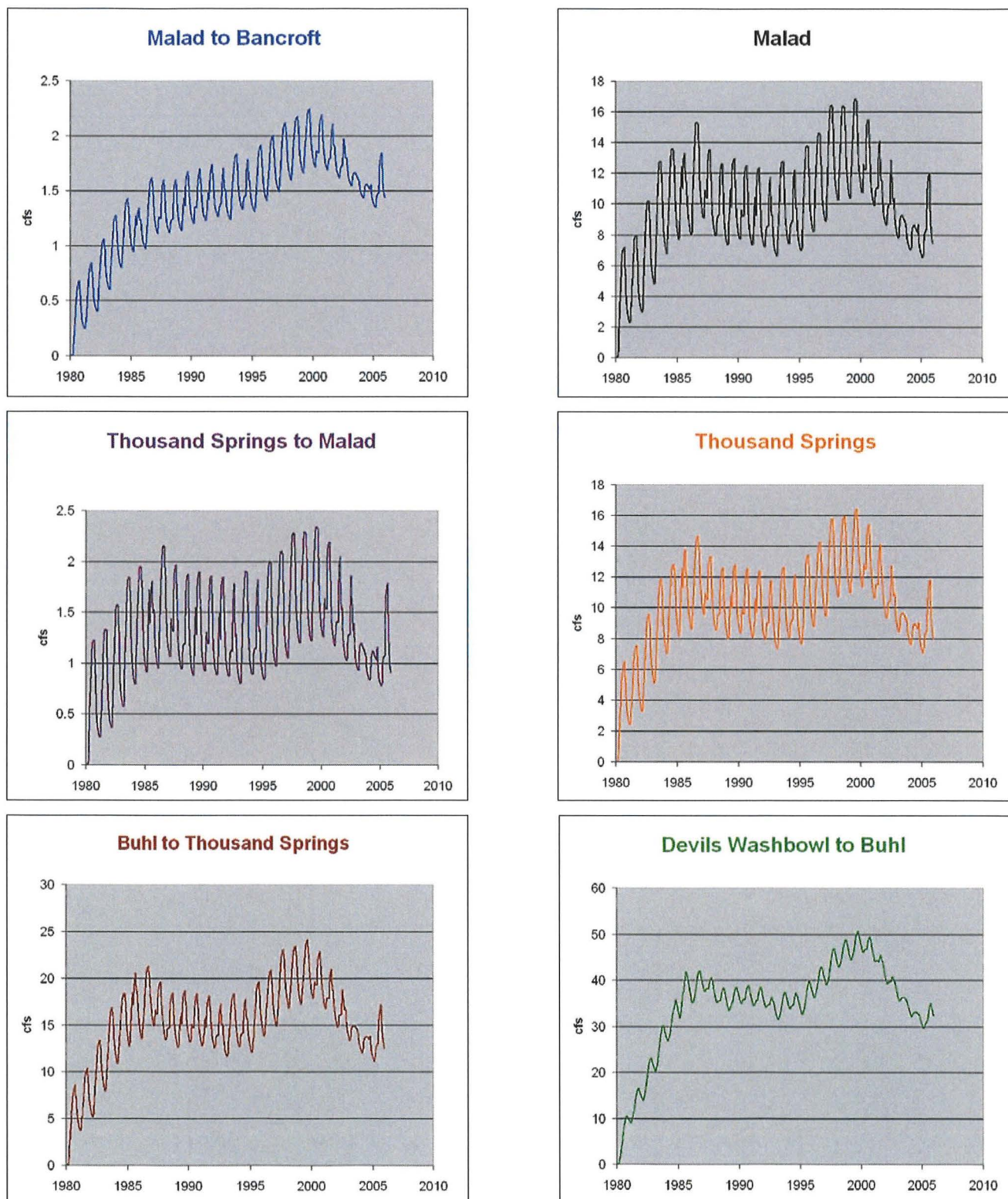


Figure 8 – Locations of Hydrographs Shown in Figure 9

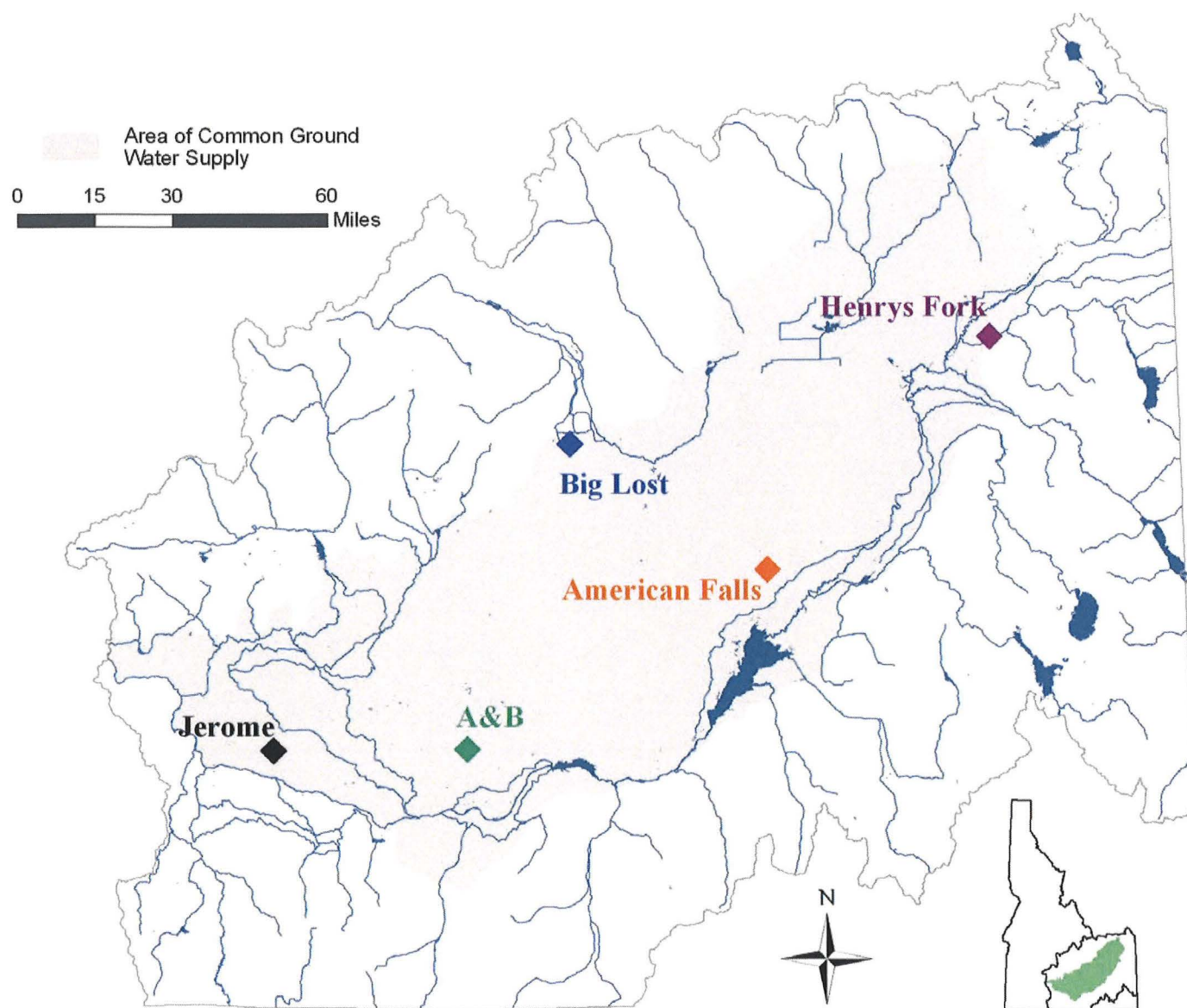
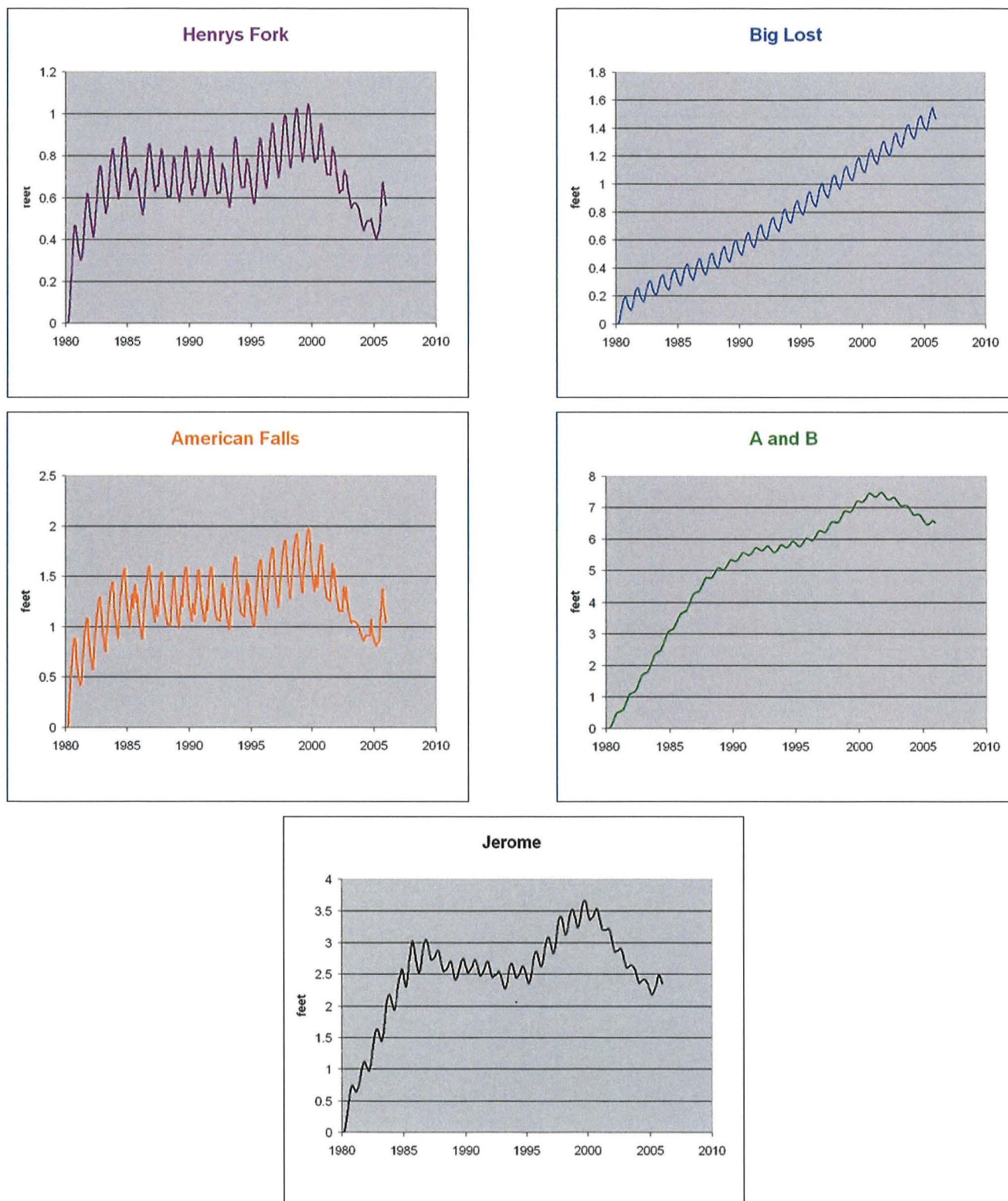


Figure 9 – Hydrographs of Simulated Groundwater Level Changes at Selected Locations Resulting from Phase I Implementation



3.2.1 Phase I Actions

A. Ground Water to Surface Water Conversions

GOAL:	IMPLEMENT 100 KAF ANNUAL AVERAGE BY YEAR 5
Actions:	<ul style="list-style-type: none">• Opportunistically pursue conversions equally above and below American Falls.• Conversion opportunities include Hazelton Butte (estimated 9,000 acres); A&B service area through Milner Gooding canal and Minidoka Irrigation District; Aberdeen Springfield (lower end of system); South side of Minidoka (WD 140); Southwest Irrigation District, and others.
Issues:	<ul style="list-style-type: none">• Examine capacity above American Falls for conversions (new wells in the last 40 years) on land previously using surface water.• Opportunistically acquire Snake River water below Milner Dam, or from other tributary basins, to be exchanged for flow augmentation water with consideration of potential third party impacts including but not limited to impacts on water quality, aquatic resources, and hydropower.• Opportunistically acquire upstream surface water rights on flow-limited streams and transfer them downstream to achieve both conversions and stream flow restoration.• Execute conversions during the spring and fall shoulder seasons as well as during irrigation season as capacity allows.• Coordinate with the United States Department of the Interior, Bureau of Reclamation (BOR) operations and other interested parties to plan for conversions and optimize outcomes for fish and wildlife, surface water quality, and recreation.• Identify sites and conduct engineering during winter 2009, focusing on high-lift pump areas.• Implement initial conversions by 2010 crop year.• Assume that a portion of costs may be born by irrigators who benefit from conversion (e.g., reduced power costs and value of water “on the land”). This is potentially the least expensive option available, although incentives will likely be needed to implement conversions.• Evaluate impact on surface water availability and the reservoir system operations.

B. Managed Aquifer Recharge

GOAL:	IMPLEMENT 100 KAF ANNUAL AVERAGE BY YEAR 5
Actions:	<ul style="list-style-type: none">• 20 kaf of recharge above Blackfoot on the Egin Bench including both fall and spring recharge efforts. Evaluate results of fall 2008 recharge pilot project using storage water. Consider further recharge efforts in consultation with the Committee of Nine and with consideration of Henry's Fork winter flows.• 30 kaf of recharge above American Falls on Jensen Grove, Aberdeen Springfield Canal, and New Sweden systems, and with consideration of South Fork Snake River springtime flows.• 30 kaf of recharge that impacts the Thousand Springs Reach on the North Side Canal Company, Milner Gooding Canal. Explore opportunities for small scale targeted recharge in the Thousand Springs reach.• Explore recharge options on the north side of Lake Walcott.• 20 kaf estimated to maximize use of the Board's recharge water permit, Wood River Legacy transactions, and/or flood control releases on the Wood River system.• Develop and implement a detailed monitoring plan to assess the efficacy of recharge efforts.
Issues:	<ul style="list-style-type: none">• Attempt to maximize recharge efforts on an annual basis unless recharge significantly impacts available supply for conversions or adversely effects ground water quality.• Prioritize the continued study of a recharge site at Lake Walcott. A recharge site in this area is expected to have positive effects on spring discharge above American Falls and at Thousand Springs. Use measurement and monitoring tools to demonstrate reach gain benefits.• Coordinate with BOR operations and other interested parties to plan for recharge efforts and optimize outcomes for fish and wildlife, surface and ground water quality, hydropower and recreation.• Develop long-term contracts with canal companies to deliver recharge water when the Board's permit is in priority.• Opportunistically acquire upstream surface water rights on flow-limited tributary streams and transfer them downstream to achieve both ground water recharge and stream flow restoration.

C. Demand Reduction

1. Crop Mix Modification in the Aberdeen/Bingham Groundwater District

GOAL:	5 KAF PER YEAR AFTER YEAR FIVE
Actions:	<ul style="list-style-type: none">• Implement a pilot project, administered through Aberdeen-American Falls and Bingham Groundwater Districts that targets a reduction of groundwater use through alternate cropping patterns (e.g., exchanging hay for grain).• The program targets a reduction in ground water use of an average of 5 kaf annually by Year 5. Year 1 includes a 1 kaf target and the target increases 1 kaf per year until Year 5.• Aberdeen/Bingham Groundwater District will determine most effective methods to accomplish targets.

2. Surface Water Conservation

GOAL:	MOST EFFICIENT USE OF AVAILABLE SURFACE WATER SUPPLY, 50 KAF
Actions:	<ul style="list-style-type: none">• Evaluate opportunities for surface water conservation measures.• Construct check structures and automated gates, equalizing reservoirs and pump backs and investigate reducing transmission loss at specific areas where transmission loss does not benefit a ground water user or spring water user without impacting incidental recharge, thereby reducing return flows and saving water to be used for additional conversions.• Explore federal grants to leverage state monies and reduce cost to canal companies.
Issues:	<ul style="list-style-type: none">• All conservation efforts will be site specific and examined on a case-by-case basis to ensure desired results.• Hydrologic effects of conservation actions could include an increase in natural flow and storage, and may provide water supply for conversions.• Pursue incentives for conservation activities and quantify hydrologic benefits, including water quality benefits from reduced return flows.

3. Buyouts, Buy-downs and/or Subordination Agreements

GOAL:	NO PHASE I TARGET - OPPORTUNITY-BASED
Actions:	<ul style="list-style-type: none">• Opportunistically pursue buyouts, buy-downs, and/or subordination agreements across the ESPA, including in the Thousand Springs reach.• Set aside financial resources to enable transactions.• Pursue opportunities for environmental enhancements as a component of such agreements.

4. Rotating Following, Dry-Year Lease Agreements and CREP Enhancements

GOAL:	NO PHASE I TARGET BUT ASSUMING CONTINUATION OF THE 40 KAF THAT HAS ALREADY BEEN ACHIEVED THROUGH CREP
Actions:	<ul style="list-style-type: none">• Implement dry-year lease options proportionally above and below American Falls.• Develop a predictable and defined system to implement rotating following program.• Employ Dry-year Lease Options that use storage water to provide water supply and incentives for conversions.• Pursue opportunities to leverage federal resources by providing additional incentives to increase CREP participation. Pursue other opportunities to increase CREP enrollment.• Utilize the State Water Fund, or other sources as available, to provide seed money for demand reduction projects.• Pursue opportunities for environmental enhancements as a component of such agreements.
Issues:	<ul style="list-style-type: none">• Develop specific demand reduction program to implement and generate funds by the end of 2009.• Explore programs that may reduce ground water demands during dry years and programs that would have an impact on river flows during the growing season.

D. Pilot Weather Modification Program

GOAL:	SURFACE WATER SUPPLY ENHANCEMENT, UNDETERMINED QUANTITY
Actions:	<ul style="list-style-type: none">• Implement a cooperative 5-year pilot weather modification project designed to increase winter snowpack in the Upper Snake River Basin and potentially the Wood River system.
Issues:	<ul style="list-style-type: none">• Develop plan in 2009 and implement during winter 2010.• Design and implement a detailed monitoring and evaluation program.• Idaho Power Company has agreed to work with the State and interested counties to implement the experimental project.• Coordinate with the State of Wyoming regarding potential program partnership.• Develop procedures to suspend weather modification activities during heavy precipitation periods when additional rain or snow may increase the risk of flooding, or have adverse consequences for fish and wildlife resources and the public safety.

E. Incidental Recharge

GOAL:	NO REDUCTION IN INCIDENTAL RECHARGE OVER THE ESPA DURING THE 10 YEAR PHASE I PLAN
Action:	<ul style="list-style-type: none">• Recognize the role of incidental recharge.• Work with canal managers and funding agencies that are implementing water conservation measures to offset the effects of conservation to the aquifer.

F. Plan Implementation and Growth

GOAL:	IDENTIFY AND ADDRESS IMPEDIMENTS TO MUNICIPAL, INDUSTRIAL, AND COMMERCIAL GROWTH.
Actions:	<ul style="list-style-type: none">• Review administrative rules and processes that may be an impediment to growth and implementing Plan management actions; take administrative steps to assure that water is available to sustain future economic growth.

3.2.2 Additional Plan Components

In addition to the overall hydrologic goal and Phase I implementation steps, the Plan includes the following actions to enhance coordination, decision making, and aquifer management.

A. Plan Implementation Committee –

The Board will establish an Implementation Committee to assist in the implementation of the Plan. The Implementation Committee will assist the Board in the prioritization, development, implementation, and monitoring and evaluation of management actions. The Implementation Committee will consider and recommend actions and objectives to stabilize and improve spring flows and aquifer levels and effect changes in river flows. The Implementation Committee will include, but not be limited to, interest groups currently represented on the Advisory Committee. The Implementation Committee will also establish a coordination process that provides for the sharing of information on river and aquifer management actions and provides opportunity for public involvement. The Implementation Committee will serve at the pleasure of the Board and provide a forum for public participation. Board's staff and/or contractors will facilitate the work of the Implementation Committee and provide the technical information needed for its deliberations. The Board will continue to make all final decisions concerning Plan project priorities, implementation, and funding.

B. Environmental Considerations –

The Plan integrates environmental and other considerations into the decision-making and implementation process. With the advice of the Implementation Committee, the Board, through implementation of the Plan, will seek to optimize outcomes for fish and wildlife, recreation, hydropower, municipalities,

irrigation, aquaculture, and other uses. Where feasible, the Board will pursue opportunities for cooperative program and funding arrangements that may expand resources available for optimizing environmental resources.

C. Clearinghouse –

During implementation of Phase I, options for implementing a flexible mechanism that connects willing participants in the implementation of ESPA water management projects will be considered as well as strategic approaches to implement recharge, conversion, and demand reduction strategies using a clearinghouse structure.

D. Outreach and Education –

During Phase I, the Implementation Committee will help develop and recommend funding mechanisms for a broad water education and outreach effort, building on existing water user outreach efforts and programs, with an initial emphasis on local governments, domestic well owners, and consumptive water users.

E. Management Flexibility & Innovation –

The Board will pursue and implement the most cost effective water management tools that achieve the overall goals and objectives for improving the ESPA. In addition, innovative approaches that can improve water supplies available for conversion, recharge, and/or enhancement of surface supplies will be identified for consideration.

F. Downstream Transfer Policy –

Opportunities for providing water for recharge and conversion projects through downstream transfers of surface water rights to the ESPA in a manner that enhances flows in flow-limited tributaries will be identified. Such transfers should be consistent with state law, policy and programs and utilize the water supply bank wherever appropriate.

3.3 Phase I Implementation Plan

A Phase I Implementation Plan will be developed within the first year of Plan approval. The Implementation Plan will outline the sequence of implementation steps and identify research and funding requirements and sources, required legislation and monitoring and evaluation protocols. The Implementation Plan will also describe an operating protocol to ensure continued public involvement and participation. The

Board's staff and/or contractors will work with the Implementation Committee and the Board to finalize and approve the Implementation Plan.

The proposed plan outlined in the following table represents a multi-pronged approach for funding the Phase I actions over a 10-year period (see **Appendix B**). The Implementation Plan will further define the outlined necessary funding strategies and mechanisms. Funding participation targets are identified for each water user category.

Table 3 – Phase I Funding Participation Targets

WATER USER CATEGORY	PHASE I FUNDING PARTICIPATION TARGETS
Irrigated Agriculture (groundwater and surface water)	\$3 million annually (based on participation of \$2 million annually for ground water users and \$1 million annually for surface water users)
Idaho Power Company/Co-Ops	\$1 million - \$1.5 million annually (for projects that qualify for TEMP) ³
Municipalities	\$700,000 annually (includes commitment to address rules and statutes that may inhibit municipal growth)
Spring Users	\$ 200,000 annually (based on cfs)
Industrial/Commercial Users (not in municipalities or groundwater districts)	\$150,000 annually (based on estimated 15 kaf annually)
State of Idaho	\$3 million annually
Federal	Pursue EQIP/Water America Initiative/CREP and other funding opportunities
Recreation/Conservation	Pursue grants and other funding opportunities

³In connection with the relicensing of the Hells Canyon hydroelectric project, Idaho Power Company has proposed to implement a Temperature Enhancement Management Program (TEMP) as part of the Clean Water Act Section 401 water quality certification process. Through the TEMP, Idaho Power Company intends to develop, fund and implement watershed management and enhancement projects that will assist in ameliorating Snake River water temperature conditions. Idaho Power Company will work with the Implementation Committee and Board to identify Plan actions that qualify for inclusion in the TEMP. The § 401 application is currently pending before the Idaho Department of Environmental Quality and has not yet been approved.

It is estimated that \$70 million - \$100 million dollars will be needed to implement the Phase I, 200-300 kaf annual change in the ESPA water budget.⁴ The ESPA water users⁵ have conceptually agreed to contribute 60% of the required funds, with the State of Idaho contributing the balance. In addition, other potential sources of funding, including federal and private sources, will be identified and secured to advance implementation of the Plan.

All fees and assessments collected for Plan implementation and accrued interest will be deposited into a dedicated sub-account within the Board's Revolving Development Fund. The Board, with consideration of the recommendations of the Implementation Committee, legislature, and Governor's office, will make all final decisions concerning project priorities and implementation and allocation of funds from the dedicated sub-account.

⁴Not including operations and maintenance costs.

⁵Including consumptive and non-consumptive industries and municipalities.

4.0 ADAPTIVE MANAGEMENT

This section sets forth an adaptive management strategy for implementation of the Plan. The goal of adaptive management is to support improved decision-making and performance of water management actions over time.

Key principles fundamental to this approach include:

1. Anticipating possible future uncertainties and contingencies during planning.
2. Employing science-based approaches to build knowledge over time.
3. Designing projects that can be adapted to uncertain or changing future conditions.

Adaptive management involves taking actions, testing assumptions, and then monitoring and adapting/adjusting the management approach as necessary. It is a way of taking action - even in the face of uncertainty - in a complex system with many variables and constant change. Developing perfect knowledge concerning any system, including the ESPA, is impossible, and therefore an adaptive management approach is critical to the successful attainment of the qualitative and quantitative goals set forth in the Plan. Successful adaptive management requires patience and long-term commitment, as acquiring enough data to make decisions about program changes takes time.

The adaptive management strategy will allow the Board to:

- Develop protocols for revising management actions and/or quantitative targets as necessary.
- Compare costs and impacts of different actions to manage and improve the water budget in the ESPA.
- Adjust funding allocation between projects to get the most “bang for the buck.”
- Concentrate funding on management actions that show results.

- Make adjustments and revisions to the Plan as new information becomes available or in response to changing water supply and demand needs.
- Proceed with flexibility depending on results and analysis of monitoring and measurement data.

4.1 Coordination & Implementation

Management of the ESPA affects numerous stakeholders and the State of Idaho. Effective implementation of the Plan will require the participation and cooperation of stakeholders and governmental entities with jurisdictional authorities and responsibilities. The Implementation Committee will be charged with providing guidance and recommendations concerning the implementation of management strategies and review of goals and objectives. The Implementation Committee will provide a forum for discussing Phase I implementation, establishing benchmarks for evaluating the effectiveness of actions, coordinating with water users and managers, evaluating and addressing environmental issues and identifying and pursuing funding opportunities.

The Implementation Committee will include interest groups currently represented on the ESPA Advisory Committee. In addition, the Board will appoint at least one of its members to serve as a liaison between the Committee and the Board. The Implementation Committee will serve at the pleasure of the Board and provide a forum for public participation. Board’s staff will facilitate the work of the Implementation Committee and provide the technical information needed for its deliberations. The Board will make all final decisions concerning Plan project priorities, implementation, and funding.

4.2 Monitoring & Evaluation

A monitoring plan has been funded and developed for the ESPA, but additional monitoring and evaluation will likely be required beyond the existing program. The ground water model (and other modeling tools) are subject to technical review by the Eastern Snake Hydrologic Modeling Committee on a periodic basis. As various water budget adjustment programs are implemented, additional monitoring or modifications to the modeling program will likely be needed, e.g., specific projects may require site specific measurement and analysis, which are not currently provided. Additional modeling scenario analysis will likely be required to assist the Board and the Implementation Committee in the implementation process. Additionally, increased measurement of water use across the ESPA and an increased understanding of the hydrogeologic complexity of the aquifer are necessary to inform and raise public awareness about this valuable resource during the planning and management process.

With data gathered through the monitoring process, the Implementation Committee and Board's staff will be able to assess the impacts of each management activity. In some cases, it may take a number of years to obtain sufficient data to achieve a comprehensive understanding of the effects of particular actions. Regardless, the success of the Plan depends upon the development and maintenance of state-of-the-art monitoring and evaluation tools that provide the information necessary to make sound planning decisions for the future.

4.3 Legislative Reporting and Plan Revision

The Board will provide periodic reports to the legislature documenting the progress made on the implementation of the Plan. The Board will evaluate the Plan after 10 years of implementation for Phase I, and make planning recommendations to the legislature and Governor's office.

5. APPENDICES

PLAN TECHNICAL DOCUMENTS

Technical documents were used to design Phase I actions and these and other technical information will guide the Implementation Committee. These and all Plan-related materials can be found at www.esaplan.idaho.gov in the Technical Document folder.

APPENDIX A – Advisory Committee Membership List

	REPRESENTATIVE	ALTERNATE
MUNICIPALITIES/COUNTIES	Mayor Lance Clow, City of Twin Falls Mayor Fuhriman, City of Idaho Falls	Mayor Correll, City of Jerome Mayor Roger Chase, City of Pocatello
BUSINESS	Alex S. LaBeau, IACI President	
LAND DEVELOPERS	Rebecca Casper, Ball Ventures LLC	Bob Muffley, Board of Realtors/ Mid-Snake Commission
SURFACE WATER USERS	Jeff Raybould, Fremont-Madison Irrigation District Randy Bingham, Burley Irrigation District Vince Alberdi, Twin Falls Canal Company	Lloyd Hicks, Rigby Steve Howser, Aberdeen-Springfield Canal Company Albert Lockwood, Northside Canal Company
GROUND WATER USERS	Don Parker, Water District 110-100 Tim Deeg, Water District 120 Dean Stevenson, Water District 130-140	Scott Clawson, Water District 110-100 Craig Evans, Water District 120 Lynn Carlquist, Water District 130
SPRING WATER USERS	Randy MacMillan, Clear Springs Foods, Inc.	Linda Lemmon, Thousand Springs Water Users Association
HYDROPOWER	James Tucker, Idaho Power Company	Dee Reynolds, Fall River Electric
DOMESTIC WELL OWNERS	George Katseanes, Blackfoot	

	REPRESENTATIVE	ALTERNATE
ENVIRONMENTAL AND CONSERVATION INTERESTS	Kim Goodman, Trout Unlimited	Will Whelan, The Nature Conservancy
MIXED-USE INTEREST	Dan Schaeffer, A&B Irrigation District	Stan Standal, Spring Water User
COUNTY ASSESSOR	Max Vaughn, Minidoka County	Steven Seer, Bonneville County

AGENCY PARTICIPANTS	
IDAHO DEPARTMENT OF WATER RESOURCES	Hal Anderson, Administrator – Planning and Technical Services Division
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY	Barry Burnell, Water Quality Administrator
IDAHO WATER AND ENERGY RESOURCES RESEARCH INSTITUTE	Roy Mink, Former Director
IDAHO FISH AND GAME	Dave Parish
BUREAU OF RECLAMATION	Richard Rigby, Special Assistant to Regional Director
US FISH AND WILDLIFE SERVICE	Damien Miller
GOVERNOR’S OFFICE	John Chatburn

APPENDIX B — Phase I Funding Recommendations

The following table outlines a recommended funding approach for Phase I implementation, including participation targets. These participation categories have been discussed and conceptually agreed to, but necessary mechanisms have yet to be finalized. As noted above, the estimated funding required for Phase I implementation is \$70 million - \$100 million (\$7 - \$10 million per year for 10 years).

WATER USER CATEGORY	PHASE I FUNDING PARTICIPATION TARGETS
Irrigated Agriculture (groundwater and surface water)	\$3 million annually (based on participation of \$2 million annually for ground water users and \$1 million annually for surface water users and conceptually agreed to)
Idaho Power Company/Co-Ops	\$1 million - \$1.5 million annually (for projects that qualify for TEMP) ³
Municipalities	\$700,000 annually (includes commitment to address rules and statutes that may inhibit municipal growth)
Spring Users	\$200,000 annually (based on cfs)
Industrial/Commercial Users (not in municipalities or groundwater districts)	\$150,000 annually (based on estimated 15 kaf annually)
State of Idaho	\$3 million annually
Federal	Pursue EQIP/Water America Initiative/CREP and other funding opportunities
Recreation/Conservation	Pursue grants and other funding opportunities

The proposed funding approach seeks to raise the needed funds through a flexible strategy that is broad-based, provides for equitable benefits and efficient revenue collection, and minimizes interest expenses. Potential funding strategies are set forth below for further discussion and consideration.

³In connection with the relicensing of the Hells Canyon hydroelectric project, Idaho Power Company has proposed to implement a Temperature Enhancement Management Program (TEMP) as part of the Clean Water Act Section 401 water quality certification process. Through the TEMP, Idaho Power Company intends to develop, fund and implement watershed management and enhancement projects that will assist in ameliorating Snake River water temperature conditions. Idaho Power Company will work with the Implementation Committee and Board to identify Plan actions that qualify for inclusion in the TEMP. The § 401 application is currently pending before the Idaho Department of Environmental Quality and has not yet been approved.

A. ESPA Water Users Component:

1. Pay-As-You-Go.

Pay-As-You-Go is a financial policy that funds capital outlays from current revenues rather than through incurring debt. Modified Pay-As-You-Go is an approach that funds some improvements from current revenues and others by incurring debt.

2. Idaho Water Resource Board Contract.

Using the existing Board's authority to issue revenue bonds, in which principal and interest are payable entirely from the revenue received (ultimately by the people and businesses that benefit by the facility). This approach would be potentially taxable.

3. Water Management Improvement District (WMID).

This approach allows for the assessment of a fee to defray part or all of the costs of a specific improvement or service. Legislative action would be required to grant the Board's authority to establish a WMIDs.

B. State Component:

1. State Water Management Project.

General Fund Appropriations from kilowatt per hour (kwh) power franchise fee, a state sales or property tax, special product or service tax, etc.) would be used to pay for the state portion of the management plan.

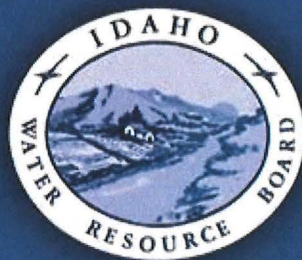
2. State Water Fund.

Develop a state-wide water fund, funded through a state water management project, to authorize and fund such projects. The Board would request annual appropriations to fund proposed projects.

Based on an analysis of the alternatives developed, a combination of funding strategies may represent the most viable approach to effectuate implementation of the Plan. This approach, using a pay-as-you-go strategy, the Board's existing loan and grant program, and the establishment of WMIDs will undergo further review by the Board for consideration by the legislature. Together, these strategies could finance the water user component of Plan implementation costs. The inclusion of a pay-as-you-go strategy would eliminate interest rate exposure. Board's authority to establish WMIDs would:

1. Simplify administration and collection of water-user contributions.
2. Reduce interest rate expense.
3. Augment the ability to raise funds from specific geographic areas within the ESPA.
4. Increase the likelihood of public acceptance of Plan fees.

The Board will also take under consideration the feasibility of establishing a state water project fund. Power franchise fees, sales tax, product tax, or other sources could be collected and deposited in the state water project fund and matched with contributions by water users and other partners. Where water users and implementation partners secure their 60% funding for a project or group of projects, the Board would request that the legislature authorize matching funds for the proposed projects. A collection approach that should be further evaluated involves using water districts as vehicles for collecting contributions from water user groups, including irrigated agriculture, municipalities, spring-users, and industrial/commercial users.



Appendix B – Letter from House Speaker Bedke

SCOTT C. BEDKE
DISTRICT 27
CASSIA & MINIDOKA COUNTIES



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House of Representatives State of Idaho

SPEAKER OF THE HOUSE

May 8, 2019

Roger Chase, Chairman
Idaho Water Resource Board
PO Box 83720
Boise, ID 83720-0098

Dear Mr. Chairman and Board Members,

Pursuant to Legislative authorization (see: 2006 SCR #136, 2007 HCR #28 and I.C. Section 42-1779), the Idaho Water Resource Board (IWRB) was directed to develop a Comprehensive Aquifer Management Plan (CAMP) for the Eastern Snake Plain Aquifer (ESPA). The IWRB completed that task and adopted the ESPA CAMP, in January 2009. Subsequently, the 2009 Legislature approved the ESPA CAMP as a component of the comprehensive State Water Plan, directing that all state agencies exercise their duties in a manner consistent with the ESPA CAMP (2009 HB #264). That legislation also directed the IWRB to prepare and submit to the Legislature for approval any subsequent proposed changes to the ESPA CAMP and also directed that the IWRB, in implementing the CAMP, should seek to optimize outcomes for irrigation, municipalities, fish and wildlife, recreation, hydropower, aquaculture and other uses.

As stated in the ESPA CAMP document, the overall goal is to "*sustain the economic viability and social and environmental health of the Eastern Snake Plain Aquifer by adaptively managing a balance between water use and supplies.*" This goal was to be achieved through specific objectives, which included managing the overall demand for water within the ESP, and increasing recharge to, and reducing withdrawals from, the aquifer. The CAMP also provided for the establishment of an Implementation Committee to assist the IWRB in the prioritization, development, implementation, monitoring and evaluation of CAMP management actions, and also an adaptive management component to support improved decision-making and water management actions over time. Finally, the CAMP directed the IWRB to conduct an evaluation of the CAMP after 10 years of implementation and make planning recommendations to the Legislature and the Governor's office.

By this letter, I am requesting the IWRB to complete this 10-year review and submit appropriate planning recommendations to the Legislature and the Governor's office by the start of the next regular legislative session. If this review and the time necessary to complete it is extended beyond this time frame, please make the IWRB available to provide

an update on the review and its progress. Please recognize the urgency in completing this review and address, among other things, the issues outlined below:

1. The ESPA CAMP establishes a long-term goal of 600,000 acre-feet (600 kaf) average annual change to the aquifer water budget with implementation to occur over a 30-year period. This water budget change was determined to be an appropriate long-term goal considering the then present and future water needs.
 - a. What progress has been made over the past 10 years toward achieving this long-term goal? Please identify how this progress has addressed the aquifer levels and river reach gains while allowing for assessment/airing of hydrologic, economic and environmental issues. Further, how has public involvement through the Implementation Committee been established?
 - b. Does the IWRB still consider this 600 kaf average annual water budget change to be an appropriate long-term goal? If not, what would be an appropriate long-term goal and what has changed or what new information has been developed to support the re-evaluation and re-setting of the long-term goal?
2. The ESPA CAMP adopted a mix of strategies, or actions, which it considered a "balanced approach" to modifying the aquifer water budget, and set hydrologic targets for each of these strategies. These included: ground water to surface water conversions (approximately 100 kaf/year), aquifer recharge (approximately 150/250 kaf/year), demand reduction (approximately 250-350 kaf/year) and a pilot weather modification program (initial Phase I target of 50 kaf/year with no long-term target).
 - a. What has been the progress in the implementation of each of these strategies and what is the current status of each?
 - b. Should changes or adjustments to the strategies be considered? If so, what adjustments does the IWRB recommend, and why?
 - c. With respect to aquifer recharge, has or should the IWRB consider private recharge as well as Board funded recharge in attaining the long-term goal?
3. The Legislature has provided \$5,000,000 in ongoing annual funding, as well as periodic one-time appropriations as funds were available, to the IWRB for, among other things, the implementation of the above CAMP strategies. Please provide an accounting of the funds expended in the implementation of each of these strategies in the first 10 years of CAMP implementation and an explanation regarding how funds were distributed.
4. Over the past several years, Idaho has experienced relatively good water years and a significant portion of the appropriated funds for CAMP have been expended on aquifer recharge. With reference to the IWRB recharge efforts:
 - a. Provide an assessment of the overall efficacy of the recharge program, including IWRB efforts to ensure that the various recharge events (IWRB or private) undertaken are reasonable in relationship to other uses and interests. In this context, reasonable is intended to mean:
 - i. That the specific recharge event provides sufficient benefit to the aquifer and the overall goal of achieving the 600 kaf annual change to

- the water budget to justify the expenditure of funds on the recharge event, and
- ii. In considering the recharge event, the IWRB has sought to optimize outcomes for irrigation, municipalities, fish and wildlife, recreation, hydropower, aquaculture and other uses.

I look forward to hearing from you and continuing our cordial, collaborative and productive relationship.

Sincerely,



Scott Bedke
Speaker

SB:mlm

cc: Office of the Governor
Pro Tem Brent Hill
Director Gary Spackman
Deputy Director Mat Weaver
Paul Arrington, Idaho Water Users Association
Rep. Marc Gibbs, Chairman, House Resources & Conservation Committee
Sen. Lee Heider, Chairman, Senate Resources & Environment Committee
Sen. Steve Bair, Chairman, Senate Finance Committee
Brian Patton, IWRB

Appendix C – Summary of Swan Falls Re-Affirmation Agreement

**SUMMARY
OF
SWAN FALLS REAFFIRMATION SETTLEMENT**

Prepared by State of Idaho and Idaho Power Company

The 2009 Framework Reaffirming the Swan Falls Settlement (2009 Framework) sets forth the conditions for settling the current litigation. The terms “Framework” and “Reaffirming” are used intentionally to connote two key points. First, the 2009 Framework is a road map for reaching settlement rather than a final settlement document. Article II of the 2009 Framework describes the executive, legislative and judicial actions that collectively will constitute the settlement of the pending litigation and lays the foundation for cooperative resolution of other important issues. Second, the parties intend the proposed 2009 Reaffirmation Settlement to reconfirm rather than change any of the terms and conditions of the 1984 Swan Falls Settlement. This intent is reflected in the following language from the Framework:

The parties through this Framework and its Exhibits reaffirm all aspects of the Swan Falls Settlement. This Framework and its Exhibits are consistent with the Swan Falls Settlement and clarify the original intent of the Swan Falls Settlement. Nothing in this Framework or its Exhibits changes, modifies, amends or alters any aspect of the Swan Falls Settlement.

2009 Framework Reaffirming the Swan Falls Settlement at 7. Thus, the parties intend that the 2009 Framework and its Exhibits will be interpreted in harmony with the 1984 Swan Falls Settlement.

The proposed 2009 Reaffirmation Settlement will resolve three issues regarding the interpretation of the 1984 Swan Falls Settlement. First, consistent with I.C. 42-203B, it will reaffirm that for the purposes of the determination and administration of rights to the use of the waters of the Snake River or its tributaries downstream from Milner dam, no portion of the waters of the Snake River or surface or ground water tributary to the Snake River upstream from Milner Dam are to be considered. As such, the hydropower water rights for the Idaho Power Company facilities located on the reach of the Snake River between Milner Dam and the Murphy Gage carry no entitlement to demand the release of natural flow past Milner Dam or to seek administration of the water rights diverting the waters of the Snake River or surface or ground water tributary to the Snake River upstream from Milner Dam. Second, it will reaffirm the Swan Falls Agreement by decreeing the hydropower water rights for Idaho Power Company’s facilities between the Milner Dam and the Murphy Gage consistent with the SRBA District Court’s Memorandum Decision and Order on Cross-Motions for Summary Judgment in Consolidated Subcase 00-92023(92-(23) dated April 18, 2008. Finally, it will reaffirm that the 1984 Swan Falls Settlement does not preclude use of water for aquifer recharge.

There are four Articles in the 2009 Framework Reaffirming the Swan Falls Settlement – each has a separate purpose.

Article I provides general background principles from the 1984 Swan Fall Settlement drawn from the 1984 Swan Falls Agreement, the 1984 Swan Falls Framework and the 1985 Idaho Water Resource Board resolution approving amendments to the Idaho State Water Plan that are relevant to the issues being resolved through the 2009 Reaffirmation Settlement. The fact that the 2009 Framework does not recite all of the provisions of the 1984 Swan Falls Settlement does not diminish the continuing importance or effect of other provisions of the 1984 Settlement. Rather, the 2009 Framework expressly reaffirms all aspects of the 1984 Swan Falls Settlement and does not alter or revise in any way the statutory provisions adopted as part of that Settlement, including but not limited to those provisions applicable to agriculture and the family farming tradition in Idaho.

Article II, as noted above, is the road map for resolving the current litigation. It provides for entry of partial decrees for the hydropower water rights at issue and for entry of an order dismissing Idaho Power Company's complaint, but only if the proposed legislation and Memorandum of Agreement are completed to the satisfaction of the State and Idaho Power Company. Assuming these actions are taken and the SRBA District Court enters partial decrees and a dismissal order acceptable to the State, Idaho Power Company and the other parties to Subcase 00-92023, the current litigation will be resolved. Otherwise, either the State or Idaho Power Company has the option of voiding the Framework and the proposed settlement and continuing the litigation.

Article III identifies certain issues that will be the subject of future discussions between the State, Idaho Power Company and other affected interests. The parties intend such discussions to be inclusive rather than exclusive. Moreover, nothing in Article III is intended to define the rights or obligations of any person, reinterpret the Swan Falls Settlement, or prejudice any party affected by such issues. For example, the reference to discussions regarding the establishment of an effective marketing system does not require any action by, or impose any obligations on, any person or entity. It is a commitment to have a good faith discussion of the issues associated with the water marketing issue and does not presuppose any particular outcome from such discussions. Likewise, the discussions regarding an acceptable program to monitor and measure flows at the Murphy Gage and procedures for re-evaluating term permits approved under Idaho Code § 42-203C do not contemplate any changes to the Swan Falls Settlement. Rather, these two issues, like the others identified in Article III, are illustrative of issues that warrant further discussion to determine whether an accord can be reached. Again, they do not presuppose any particular outcome from such discussions.

Article IV of the 2009 Framework contains general provisions relating to the intent and effect of the Settlement. This Article begins with the

confirmation recited above that the Framework and its Exhibits reaffirm the Swan Falls Settlement and neither modify, amend or alter any aspect of the Swan Falls Settlement. The remaining provisions of the Article are generally recitations of provisions of the Swan Falls Settlement, including the recognition that “upon implementation of the conditions contained in Article II of this Framework, any subsequent order by a court of competent jurisdiction, legislative enactment or administrative ruling shall not affect the validity of the Framework or the Swan Falls Settlement.”

Id. at 8; and that “the Framework does not confer or create any additional vested, compensable or enforceable rights or interest of any kind whatsoever in any legislative enactments passed pursuant to this Framework beyond those rights otherwise available under applicable law.”

Id. at 8.

The proposed Memorandum of Agreement between the Idaho Water Resource Board, the Governor and Idaho Power Company sets forth an understanding between the parties regarding certain protocols for implementation of managed recharge. Like the 2009 Framework, the preamble language in the Memorandum is drawn primarily from the 1984 Swan Falls Agreement, the 1984 Swan Falls Framework and the 1985 State Water Plan amendments. Again, the recitation of some but not all of the provisions of these documents is not intended to diminish or alter in any way the importance, or effect, of other provisions of the 1984 Swan Falls Settlement. Rather, the provisions cited are intended to provide context for the substantive aspects of the Memorandum of Agreement and relating that Agreement to the provisions of the 1984 Swan Falls Settlement that are being clarified by the 2009 Settlement.

Three aspects of the Memorandum of Agreement warrant discussion. First, the Memorandum acknowledges that through the 1984 Swan Falls Settlement the State and the Company have a shared interest in ensuring that the Swan Falls minimum flows are maintained and recognizes that it is in their mutual interest to work cooperatively to explore and develop a managed recharge program that achieves to the extent possible benefits for all uses including hydropower. In this context, the Memorandum of Agreement memorializes Idaho Power Company’s right to participate in the public process before the Board for evaluating and approving managed recharge as provided by state law and present information relative to any issues associated with a managed recharged proposal.

Second, the Memorandum acknowledges that the Idaho Water Resource Board adopted the Comprehensive Aquifer Management Plan (CAMP) and that the CAMP establishes a long-term hydrologic target for managed recharge from 150,000 to 250,000 acre-feet on an average annual basis and that any amendment of this long-term hydrologic target shall constitute a change in the State Water Plan. The Memorandum memorializes the Board’s intent to implement managed recharge in phases and sets forth a protocol for phasing in managed recharge consistent with the adaptive management provisions of the CAMP. It further recognizes that the Board has discretion on how to implement the components of CAMP but provides the Board will seek legislative approval if it seeks to increase the CAMP Phase I recharge target of 100,000 acre-feet by

more than 75,000 acre-feet prior to January 1, 2019. Nothing in the Memorandum of Agreement, however, precludes the Board or the Legislature from changing how managed recharge is to be implemented provided they do so in accordance with state law.

Third, paragraph 5 of the Memorandum of Agreement provides that the Governor and the Idaho Water Resource Board will cooperate with and inform the Public Utilities Commission of any direct effects of managed recharge on hydropower generation capacity. This provision does not divest the Public Utilities Commission of its authority to independently evaluate Idaho Power's request. Rather, paragraph 5 is merely an extension of the recognition under the original Swan Falls Settlement and this Reaffirmation that the State should make informed decisions with regard to water management in an effort to enhance and manage the water supply in the Snake River for the benefit of agriculture, hydropower and other beneficial uses. Consistent with that recognition, Paragraph 5 provides that upon making such an informed decision with regard to the implementation of managed recharge, the Governor and the Board will so inform the Public Utilities Commission of any "direct impacts" they determine may arise from implementation of managed recharge and acknowledge that such impacts may have an effect on the Company's ability to provide electrical energy. Paragraph 5 of the Memorandum does not require the Governor or the Board to take any affirmative position on whether a specific request by the Company is appropriate or necessary or on how any resulting rate impact should be allocated.

Senate Bill 1167 proposes that managed recharge projects be subject to the same review process applicable to storage reservoirs under Idaho Code § 42-1737 because managed recharge may have effects on surface flows similar to those of a storage reservoir. The bill does not apply to incidental recharge.

Senate Bill 1185 clarifies that the Swan Falls Agreement does not preclude use of water for recharge by removing the reference to the Agreement in Idaho Code § 42-234 and repealing Idaho Code § 42-4201A. In addition, this bill would consolidate state recharge policy in Idaho Code § 42-234. The parties anticipate amending this bill or submitting a substitute bill that will clarify the intent of subsection 3 of Senate Bill 1168.

Senate Bill 1169 reconfirms that the Company by reaffirming the 1984 Swan Falls Settlement is entitled to the same protection as contained in the uncoded provisions set forth in Chapter 14 of the 1985 Idaho Session Law at page 20-21. Because this Reaffirmation Settlement is an extension of the original Swan Falls Settlement, this bill is not intended to create any new or additional benefits for Idaho Power Company that do not already exist as a result of Chapter 14 of the 1985 Idaho Session Laws, it merely clarifies that the same protections afforded to Idaho Power by the 1985 legislation are extended to this reaffirmation settlement. This bill does not deprive the Public Utilities Commission of authority to independently determine the necessity or reasonableness of any of any rate request by Idaho Power Company.

The form of the partial decrees of the hydropower water rights are attached as Exhibit 6 to the 2009 Framework. The language of these decrees is consistent with the resolution of the three issues discussed above. In addition, the decrees recognized the

subordination provisions contained in the 1984 Swan Falls Agreement and the 1180 Contract executed as part of the 1984 Swan Falls Settlement.

In summary, the State and Idaho Power Company believe the terms of the proposed 2009 Reaffirmation Settlement are entirely consistent with the 1984 Swan Falls Settlement and provide an opportunity for the parties to set aside their differences and work in a cooperative manner to resolve other Snake River water management issues.

**Appendix D – Memorandum of Agreement between IWRB and Idaho
Power on Managed Recharge**

MEMORANDUM OF AGREEMENT

WHEREAS, the Swan Falls Settlement recognized that the resolution of Idaho Power Company's water rights and the recognition thereof by the State of Idaho, together with the State Water Plan, provided a sound comprehensive plan best adapted to develop, conserve, and utilize the water resources of the Snake River in the public interest; and

WHEREAS, the Swan Falls Settlement provided that the State shall enforce the State Water Plan and shall assert the existence of water rights held in trust by the State; and

WHEREAS, the Swan Falls Settlement reconfirmed that the minimum daily flow at Milner Dam shall remain at zero, and that for the purposes of the determination and administration of rights to the use of the waters of the Snake River or its tributaries downstream from Milner Dam, no portion of the waters of the Snake River or surface or ground water tributary to the Snake River upstream from Milner Dam shall be considered; and

WHEREAS, the Swan Falls Settlement recognized that the establishment of a zero minimum flow at Milner Dam allowed existing uses above Milner to continue and for some additional development above Milner, and further recognized that the zero minimum flow means that river flows downstream from Milner Dam to Swan Falls Dam at times may consist almost entirely of ground-water discharge and that therefore the Eastern Snake Plain Aquifer (ESPA) must be managed as an integral part of the Snake River; and

WHEREAS, the Swan Falls Settlement recognized that the amount of development that can take place without affecting the average daily flows 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 would depend on the nature and location of each new development, as well as the implementation of new practices to augment the stream flows; and

WHEREAS, the Swan Falls Settlement recognized that maintenance of inexpensive hydropower resources contributes to a positive economic climate for the creation of new jobs for Idahoans and thus future water rights allocation decisions should weigh the benefits to be obtained from each development against the probable impact it will have on hydropower resources; and

WHEREAS, the Swan Falls Settlement recognized methods that enhance stream flows, such as in-stream storage and aquifer recharge projects, benefit both agricultural development and hydropower generation and deserve study to determine their economic potential, their impact on the environment, and their impact on hydropower generation; and

WHEREAS, flows passing Milner Dam provide opportunities for hydropower generation and under the Swan Falls Settlement the Idaho Power Company has a right to use such flows when available at its facilities; and

WHEREAS, the State, through the Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan (ESPA CAMP), a component of the State Water Plan, intends to implement managed recharge as part of a series of comprehensive measures to enhance the water supply of the ESPA and the Snake River; and

WHEREAS, it is important that the effects of implementation of managed recharge be understood in order to permit the State to make informed water management and planning decisions that are in the public interest as provided by chapter 17 title 42 Idaho Code; and

WHEREAS, the Idaho Power Company participated in the development of the ESPA CAMP and as part of the Phase I actions is cooperating with the implementation of a recharge program between Milner Dam and American Falls; and

WHEREAS, the coordination and consideration of the respective interests of the State and Idaho Power Company with regard to managed recharge furthers their mutual interest in honoring the commitments made as part of the Swan Falls Settlement.

NOW THEREFORE, the parties agree as follows:

1. It is in the mutual interest of the parties to work cooperatively to uphold and implement the principles established by the Swan Falls Settlement.
2. ESPA CAMP, as adopted by the Idaho Water Resource Board (January 2009) and approved by the Idaho Legislature as a component of the state water plan, establishes a long-term hydrologic target for managed aquifer recharge from 150,000 to 250,000 acre feet on an average annual basis. Amendment of this long-term hydrologic target for managed recharge shall constitute a change in the state water plan as contemplated by Article 15, § 7 of the Idaho Constitution and the legislation approving CAMP, and therefore must be adopted pursuant to Idaho Code § 42-1734B, as it currently exists or as it may be amended hereafter.
3. The purpose of this memorandum of agreement is to recognize that implementation of managed recharge will have an effect on the flow characteristics of the Snake River above and below Milner Dam and to confirm that the relative merits of recharge proposals in addition to or different than that provided for in Phase I of ESPA CAMP will be considered through the adaptive management process set forth in Section 4 of ESPA CAMP. If the Board proposes to increase the 100,000 acre-foot average annual ESPA CAMP Phase I target for managed aquifer recharge by more than 75,000 acre-feet prior to January 1, 2019, the Board must obtain legislative approval for such increase.

The Board and the Director will consider, in accordance with state law, any information received in determining whether a managed recharge proposal is in the public interest.

4. Further, the parties recognize it is in their mutual interest to work cooperatively to explore and develop a managed recharge program for the Snake River Basin above Swan Falls Dam that achieves to the extent possible benefits for all uses including hydropower and therefore agree that in connection with the development and consideration of proposals for managed recharge that may be in addition to or different than that provided for in Phase I of the ESPA CAMP, the State of Idaho, through the Idaho Water Resource Board (the Board):
 - a. will provide notice to Idaho Power Company of such managed recharge proposals together with an opportunity to meet and confer with the Board on the potential costs and benefits of such proposals and ways to implement managed recharge to achieve the mutual interests of the State and Idaho Power Company; and
 - b. will provide an opportunity for Idaho Power Company to appear before the Board and present information relative to any concerns the Company may have about a managed recharge proposal;
5. The State, through the Governor and the Idaho Water Resource Board, will in good faith cooperate with and support Idaho Power Company in any regulatory proceeding before the Idaho Public Utilities Commission to address any rate, or other impacts directly attributable to the implementation of managed recharge.
6. Idaho Power Company acknowledges that the decision of whether to proceed with the implementation of managed recharge is fundamentally a public policy decision of the State of Idaho and that nothing in this memorandum of agreement shall be construed to limit or interfere with the authority of the State of Idaho to authorize managed recharge in accordance with applicable state law.
7. Nothing in this memorandum of agreement shall be construed to preclude Idaho Power Company from exercising any rights it may have under state law to challenge the State's implementation of managed recharge. While Idaho Power Company retains its right under the Swan Falls Settlement to contest any appropriation of water, including but not limited to appropriations for recharge, in accordance with State law, the Company shall not have a right to assert that implementation of managed recharge is precluded by the Swan Falls Settlement.

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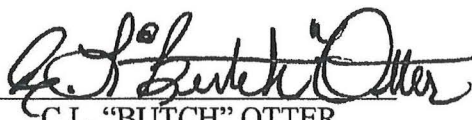
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DATED this 6th day of May 2009.

STATE OF IDAHO

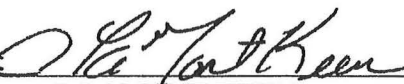
IDAHO POWER COMPANY

By:



C.L. "BUTCH" OTTER
Governor of the
State of Idaho

By:



J. LAMONT KEEN
President
and Chief Executive Officer

By:



TERRY T. UHLING
Chairman
Idaho Water Resource Board

**Appendix E – HB 547 Cigarette Tax Funds for Aquifer Management
(2014)**

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 547

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO THE DISTRIBUTION OF CIGARETTE TAX MONEYS; AMENDING SECTION 40-718, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO CERTAIN MONEYS INCLUDED IN THE GARVEE DEBT SERVICE FUND; AMENDING SECTION 63-2506, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN MONEYS SUBJECT TO APPROPRIATION TO THE PUBLIC SCHOOL INCOME FUND AND THE DEPARTMENT OF JUVENILE CORRECTIONS; AMENDING SECTION 63-2520, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISTRIBUTION OF CERTAIN REVENUES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 57-1702, IDAHO CODE, TO REVISE A TERM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 40-718, Idaho Code, be, and the same is hereby amended to read as follows:

40-718. GARVEE FUNDS ESTABLISHED -- CAPITAL PROJECT FUND -- DEBT SERVICE FUND. (1) There is established in the state treasury a fund known as the "GARVEE Capital Project Fund" which shall include:

(a) Any draw by the board of proceeds from the transportation bonds or notes issued by the Idaho housing and finance association in accordance with chapter 62, title 67, Idaho Code.

(b) Interest earned on the investment of idle moneys in the GARVEE capital project fund shall be paid to the GARVEE capital project fund. Disbursements from this fund shall be made for projects in accordance with chapter 3, title 40, Idaho Code. All moneys in the fund are hereby continuously appropriated to the department.

(2) There is established in the state treasury a fund known as the "GARVEE Debt Service Fund" for the purpose of paying the principal, interest and other amounts required for transportation bonds or notes of the Idaho housing and finance association in accordance with chapter 62, title 67, Idaho Code. The fund shall include:

(a) Amounts transferred from the state highway account upon certification by the Idaho housing and finance association to the state controller, state treasurer and the board as necessary for payment of principal, interest and other amounts required for transportation bonds or notes.

(b) Amounts distributed pursuant to section 63-2520(b)(5), Idaho Code. Provided that such moneys distributed to the GARVEE debt service fund pursuant to this paragraph shall be used in combination with the amounts provided for in paragraph (a) of this subsection and shall be used for payment of principal, interest and other amounts required for transportation bonds or notes.

(c) Interest earned on the investment of idle moneys in the GARVEE debt service fund shall be paid to the GARVEE debt service fund.

From moneys within this fund, there are hereby continuously appropriated such amounts as, from time to time, shall be certified by the Idaho housing and finance association to the state controller, state treasurer and the board as necessary for payment of principal, interest and other amounts required for transportation bonds or notes of the Idaho housing and finance association in accordance with chapter 62, title 67, Idaho Code, which amounts shall be paid over as directed by the association.

SECTION 2. That Section 63-2506, Idaho Code, be, and the same is hereby amended to read as follows:

63-2506. IMPOSITION OF TAX. (1) On and after July 1, 2005, a tax upon the purchase, storage, use, consumption, handling, distribution or whole-sale sale of cigarettes is hereby imposed at the rate of fifty-seven cents (57¢) per package of twenty (20) cigarettes, which tax shall be paid by the wholesaler, and collected by the state tax commission. ~~5.1746¢ of the tax collected per package of twenty (20) cigarettes~~ Beginning July 1, 2014, and every year thereafter, of the tax collected pursuant to this subsection, three million three hundred fifteen thousand dollars (\$3,315,000) shall be subject to appropriation to the public school income fund to be utilized to facilitate and provide substance abuse programs in the public school system. ~~5.1746¢ of the tax collected per package of twenty (20) cigarettes~~ Beginning July 1, 2014, and every year thereafter, of the tax collected pursuant to this subsection, three million three hundred fifteen thousand dollars (\$3,315,000) shall be subject to appropriation to the department of juvenile corrections for distribution to the counties to be utilized for county juvenile probation services.

(2) Appropriated funds shall be distributed quarterly to the counties based upon the percentage the population of the county bears to the population of the state as a whole.

(3) The remaining moneys collected and those moneys not appropriated under the provisions of this section shall be distributed as specified in section 63-2520, Idaho Code.

SECTION 3. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the state tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) On and after July 1, ~~2005~~ 2014, the balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) ~~17.3% of such balance~~ Five million dollars (\$5,000,000) shall be distributed to the permanent building fund created by section 57-1108, Idaho Code.

(2) ~~0.4% of such balance~~ One hundred twenty thousand dollars (\$120,000) shall be distributed to the central cancer registry fund and is subject to appropriation as provided for in chapter 35, title 67, Idaho Code. ~~The amount of money so distributed to the central cancer registry fund shall not exceed the fiscal year's appropriation, and at such time as the appropriation has been distributed to the central cancer registry fund during any fiscal year, all such distributions in excess of the appropriation shall be made instead to the general fund of the state of Idaho.~~

(3) ~~1% of such balance~~ Three hundred thousand dollars (\$300,000) shall be distributed to the cancer control ~~account~~ fund created by section 57-1702, Idaho Code, and is subject to appropriation as provided for in chapter 35, title 67, Idaho Code. ~~Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:~~

~~(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;~~

~~(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general fund on July 1 and the state controller shall order such transfer.~~

(4) An amount equal to the annual general fund appropriation for bond levy equalization, less the amount distributed under section 67-7434(21), Idaho Code, if applicable, pursuant to section 33-906, Idaho Code, shall be annually distributed to the general fund.

(5) All remaining moneys shall be distributed as follows: ~~For the fiscal year commencing July 1, 2005, and ending June 30, 2006, all moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code.~~ For fiscal years on and after July 1, 2006, all moneys shall be distributed to the permanent building fund with the moneys to be used for the repair, remodel and restoration of the state capitol building and state facilities pertaining to the capitol restoration until such time as the capitol restoration is adequately funded as certified by the director of the department of administration. Thereafter, all remaining moneys shall be distributed in the following priority order:

(i) Four million seven hundred thousand dollars (\$4,700,000) to be used for the purpose of paying the state match as required for federal funds committed to pay the annual scheduled GARVEE debt service until such time as the Idaho housing and finance association certifies that any such bonds or notes are adequately paid for, in accordance with chapter 62, title 67, Idaho Code;

(ii) Five million dollars (\$5,000,000) to the secondary aquifer planning, management and implementation fund as established in section 42-1780, Idaho Code. Such moneys shall be used for statewide aquifer stabilization; and

(iii) All remaining moneys following distributions pursuant to subparagraphs (i) and (ii) of this paragraph shall be distributed to the state highway account for the purpose of paying for the

1 maintenance and repair (and including purchase of rights-of-way)
2 of the state highway system.

3 ~~Thereafter all moneys shall be distributed to the economic recovery re-~~
4 ~~serve fund created by section 67-3520, Idaho Code.~~

5 SECTION 4. That Section 57-1702, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 57-1702. CANCER CONTROL ACCOUNT FUND. There shall be established in
8 the dedicated fund in the state treasury the cancer control ~~account~~ fund, to
9 which shall be credited the revenues derived from the tax distributed by sub-
10 section (b) (3) of section 63-2520, Idaho Code. All moneys now or hereafter
11 in the cancer control ~~account~~ fund, to the extent appropriated, are hereby
12 dedicated for the purpose of contracting for and obtaining the services to
13 promote cancer control for the citizens of Idaho, through research, educa-
14 tion, screening and treatment. The director of the department of health and
15 welfare is charged with the administration of moneys appropriated from the
16 ~~account~~ fund unless otherwise provided by law.

Appendix F – IDWR Appropriation Bills (Annual \$5M from General Fund)

LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 273

BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS; AND PROVIDING LEGISLATIVE INTENT TO COMMENCE THE ADJUDICATION OF THE PALOUSE RIVER BASIN.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Water Resources, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:					
FROM:					
General					
Fund	\$851,300	\$1,002,300	\$168,700		\$2,022,300
Indirect Cost Recovery					
Fund	461,500	148,700			610,200
Water Administration					
Fund	47,700	21,700			69,400
Miscellaneous Revenue					
Fund	<u>0</u>	<u>137,600</u>	<u>0</u>		<u>137,600</u>
TOTAL	\$1,360,500	\$1,310,300	\$168,700		\$2,839,500
II. PLANNING AND TECHNICAL SERVICES:					
FROM:					
General					
Fund	\$2,276,000	\$613,200	\$5,000	\$582,000	\$3,476,200
Indirect Cost Recovery					
Fund		12,400			12,400
Aquifer Planning and Management					
Fund	804,600	418,600			1,223,200

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
Miscellaneous Revenue					
Fund		164,500			164,500
Federal Grant					
Fund	<u>521,100</u>	<u>2,309,500</u>	<u>0</u>	<u>0</u>	<u>2,830,600</u>
TOTAL	\$3,601,700	\$3,518,200	\$5,000	\$582,000	\$7,706,900
III. WATER MANAGEMENT:					
FROM:					
General					
Fund	\$4,219,900	\$1,941,300	\$94,000		\$6,255,200
Indirect Cost Recovery					
Fund		4,700			4,700
Water Administration					
Fund	1,155,200	223,600			1,378,800
Miscellaneous Revenue					
Fund	800,800	282,400			1,083,200
Federal Grant					
Fund	<u>560,400</u>	<u>334,400</u>	<u>0</u>		<u>894,800</u>
TOTAL	\$6,736,300	\$2,786,400	\$94,000		\$9,616,700
IV. NORTHERN IDAHO ADJUDICATION:					
FROM:					
General					
Fund	\$242,400	\$165,600			\$408,000
Northern Idaho Adjudication					
Fund	<u>76,000</u>	<u>36,100</u>			<u>112,100</u>
TOTAL	\$318,400	\$201,700			\$520,100
GRAND TOTAL	\$12,016,900	\$7,816,600	\$267,700	\$582,000	\$20,683,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred fifty-two (152) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

1 SECTION 3. There is hereby appropriated to the Department of Water Re-
2 sources and the State Controller shall transfer \$716,000 from the Revolv-
3 ing Development Fund to the Aquifer Planning and Management Fund, on July
4 1, 2015, or as soon thereafter as practicable, for the period July 1, 2015,
5 through June 30, 2016.

6 SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature
7 that, in accordance with Section 42-1406B(1), Idaho Code, the director of
8 the Idaho Department of Water Resources file a petition with the adjudica-
9 tion court in Twin Falls, Idaho, to commence a water rights adjudication of
10 the Palouse River Basin.

STATEMENT OF PURPOSE

RS23832

This bill appropriates \$20,683,200 to the Department of Water Resources for fiscal year 2016 and caps the number of authorized full-time equivalent positions at 152. It includes funding for the increased costs of health insurance, includes funding for rent increases and stream gage contract increases, and accounts for an increase in statewide cost allocation. It provides \$257,700 from the General Fund for replacement items including four vehicles, 50 desktop computers, 15 laptop computers, two network switches, five conference room projectors, a video teleconferencing camera, and five workstations. This bill includes an ongoing 3% merit-based increase in employee compensation for permanent employees to be distributed at the discretion of the director.

The bill includes eight line items. The first provides language to commence the Palouse Basin adjudication. According to the adjudication law, the filing of each petition shall be contingent on legislative funding approval. The second approves the transfer of \$716,000 in cash from the Revolving Development Fund to the appropriated Aquifer Planning and Management Fund to further the Eastern Snake Plain Aquifer Management Plan. The third line item provides \$10,000 from the General Fund for additional equipment. The fourth provides \$110,800 to use water-user assessments to pay an IDWR employee as watermaster for water district 02 for the administration of water rights and water deliveries. The fifth line item provides \$175,000 one-time from the General Fund to contract a study to modernize the department's business processes and applications. The sixth (line item 7) provides funding to convert a part-time flood plain management position to full-time. The seventh (line item 8) provides the appropriation for 4.24 positions and related operating expenditures from the Aquifer Planning and Management Fund for aquifer monitoring, measurement, and modeling and frees up funding to fill unfunded vacant positions to manage the Water Sustainability Initiative approved last session. The last line item provides \$146,000 one-time to pay vacancy costs of the law library and the 3rd year law school as they move out of 9,155 square feet subleased from the Department of Water Resources on the fifth floor of the water center.

FISCAL NOTE

	FTP	Gen	Ded	Fed	Total
FY 2015 Original Appropriation	152.00	11,827,400	6,203,800	3,636,000	21,667,200
Removal of One-Time Expenditures	0.00	(609,000)	(23,500)	(8,600)	(641,100)
Base Adjustments	(1.00)	0	(2,317,900)	0	(2,317,900)
FY 2016 Base	151.00	11,218,400	3,862,400	3,627,400	18,708,200
Benefit Costs	0.00	66,200	22,100	5,000	93,300
Inflationary Adjustments	0.00	54,800	14,600	9,600	79,000
Replacement Items	0.00	257,700	0	0	257,700
Statewide Cost Allocation	0.00	40,500	0	0	40,500
Change in Employee Compensation	0.00	186,900	70,200	25,200	282,300
FY 2016 Program Maintenance	151.00	11,824,500	3,969,300	3,667,200	19,461,000
1. Language to Commence Palouse Basin	0.00	0	0	0	0

2. Aquifer Measuring and Modeling	0.00	0	716,000	0	716,000
3. Additional Equipment	0.00	10,000	0	0	10,000
4. Water District 02 Support	0.00	0	110,800	0	110,800
5. Business Process Evaluation	0.00	175,000	0	0	175,000
6. Re-establish Salmon Office	0.00	0	0	0	0
7. Flood Plain Management Position	1.00	6,200	0	58,200	64,400
8. Positions for Sustainability Initiative	0.00	0	716,000	0	716,000
9. Transfer to Continuous Appropriation	0.00	0	0	0	0
10. Bear River Adjudication	0.00	0	0	0	0
11. Law Library Vacancy Costs	0.00	146,000	0	0	146,000
Cash Transfers	0.00	0	(716,000)	0	(716,000)
FY 2016 Total	152.00	12,161,700	4,796,100	3,725,400	20,683,200
Chg from FY 2015 Orig Approp	0.00	334,300	(1,407,700)	89,400	(984,000)
% Chg from FY 2015 Orig Approp.	0.0%	2.8%	(22.7%)	2.5%	(4.5%)

Contact:

Ray Houston
 Budget and Policy Analysis
 (208) 334-4741

IN THE SENATE

SENATE BILL NO. 1190

BY FINANCE COMMITTEE

AN ACT

1 APPROPRIATING AND TRANSFERRING MONEYS TO THE FIRE SUPPRESSION DEFICIENCY
2 FUND IN FISCAL YEAR 2016; APPROPRIATING AND TRANSFERRING MONEYS TO
3 THE ECONOMIC RECOVERY RESERVE FUND FOR THE 27TH PAYROLL IN FISCAL YEAR
4 2016; APPROPRIATING AND TRANSFERRING MONEYS TO THE SECONDARY AQUIFER
5 PLANNING, MANAGEMENT AND IMPLEMENTATION FUND IN FISCAL YEAR 2016; AP-
6 PROPRIATING AND TRANSFERRING MONEYS TO THE LEGISLATIVE LEGAL DEFENSE
7 FUND IN FISCAL YEAR 2015; AND DECLARING AN EMERGENCY.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. There is hereby appropriated and the State Controller shall
11 transfer \$27,000,000 from the General Fund to the Fire Suppression Defi-
12 ciency Fund on July 1, 2015, or as soon thereafter as is practicable. Such
13 moneys shall be used to reimburse costs incurred by the Range and Forest Fire
14 Protection Program in the Department of Lands pursuant to Sections 38-131
15 and 38-131A, Idaho Code.

16 SECTION 2. There is hereby appropriated and the State Controller shall
17 transfer a total of \$20,000,000 from the General Fund to the Economic Recov-
18 ery Reserve Fund in fiscal year 2016, to be set aside for expenditures relat-
19 ing to the 27th Payroll in fiscal year 2017. The State Controller shall make
20 the transfers in four equal amounts of \$5,000,000 during September, Decem-
21 ber, March and June of fiscal year 2016.

22 SECTION 3. There is hereby appropriated to the Department of Water Re-
23 sources for the Idaho Water Resource Board and the State Controller shall
24 transfer \$500,000 from the General Fund to the Secondary Aquifer Planning,
25 Management and Implementation Fund on July 1, 2015, or as soon thereafter as
26 is practicable. Such moneys shall be used for aquifer recharge pursuant to
27 Section 42-1780(2), Idaho Code.

28 SECTION 4. There is hereby appropriated and the State Controller shall
29 transfer \$1,050,000 from the General Fund to the Legislative Legal Defense
30 Fund as soon as practicable. Of the total amount, \$1,000,000 shall be avail-
31 able to pay for legal expenses of the Legislature including, but not limited
32 to, the costs to defend against the potential endangered species listing of
33 the greater sage-grouse, and \$50,000 shall be available to serve as the state
34 of Idaho's contribution toward a regional study regarding the potential eco-
35 nomic impact of listing the greater sage-grouse as an endangered species.
36 Such moneys shall be used pursuant to Section 67-451A, Idaho Code.

37 SECTION 5. An emergency existing therefor, which emergency is hereby
38 declared to exist, Section 4 of this act shall be in full force and effect on
39 and after passage and approval.

STATEMENT OF PURPOSE

RS23937

This is the year-end appropriation for FY 2015 and FY 2016. This bill transfers money from the General Fund and appropriates it to the Fire Suppression Deficiency Fund for the estimated cost of fires in FY 2016; transfers money from the General Fund to the Economic Recovery Reserve Fund for the 27th Payroll in FY 2017; appropriates \$500,000 from the General Fund to the Idaho Water Board for aquifer recharge in the Secondary Aquifer Planning Management and Implementation Fund in FY 2016; and provides \$1,050,000 from the General Fund to the Legislative Legal Defense Fund to defend against the potential endangered species listing of the Greater sage-grouse in FY 2015.

FISCAL NOTE

This bill has a total General Fund impact of \$48,550,000, of which, \$1,050,000 is appropriated in FY 2015 and \$47,500,000 is appropriated in FY 2016.

Contact:

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LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature Second Regular Session - 2016

IN THE SENATE

SENATE BILL NO. 1402

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND; TRANSFERRING MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND; TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND; TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE MISCELLANEOUS REVENUE FUND FOR DEPOSIT TO THE PRIEST LAKE OUTLET SUBACCOUNT; AND PROVIDING LEGISLATIVE INTENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Water Resources, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:						
FROM:						
General						
Fund	\$914,200	\$772,400	\$105,200			\$1,791,800
Indirect Cost Recovery						
Fund	494,000	150,200				644,200
Water Administration						
Fund	51,500	21,700				73,200
Miscellaneous Revenue						
Fund	<u>0</u>	<u>155,800</u>	<u>0</u>			<u>155,800</u>
TOTAL	\$1,459,700	\$1,100,100	\$105,200			\$2,665,000

II. PLANNING AND TECHNICAL SERVICES:

FROM:

General

Fund	\$2,519,400	\$637,000	\$40,000	\$582,000	\$5,000,000	\$8,778,400
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	FOR	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	LUMP	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	SUM	TOTAL
Indirect Cost Recovery						
Fund		12,500				12,500
Aquifer Planning and Management						
Fund	852,800	423,500				1,276,300
Economic Recovery Reserve						
Fund					2,500,000	2,500,000
Miscellaneous Revenue						
Fund		164,500				164,500
Federal Grant						
Fund	<u>552,000</u>	<u>809,500</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,361,500</u>
TOTAL	\$3,924,200	\$2,047,000	\$40,000	\$582,000	\$7,500,000	\$14,093,200
III. WATER MANAGEMENT:						
FROM:						
General						
Fund	\$5,023,500	\$1,963,900	\$462,400			\$7,449,800
Indirect Cost Recovery						
Fund		4,800				4,800
Water Administration						
Fund	1,235,500	228,200				1,463,700
Miscellaneous Revenue						
Fund	852,100	282,400				1,134,500
Federal Grant						
Fund	<u>582,400</u>	<u>334,400</u>	<u>0</u>			<u>916,800</u>
TOTAL	\$7,693,500	\$2,813,700	\$462,400			\$10,969,600
IV. NORTHERN IDAHO ADJUDICATION:						
FROM:						
General						
Fund	\$341,500	\$168,900				\$510,400
Northern Idaho Adjudication						
Fund	<u>0</u>	<u>36,100</u>				<u>36,100</u>
TOTAL	\$341,500	\$205,000				\$546,500
GRAND TOTAL	\$13,418,900	\$6,165,800	\$607,600	\$582,000	\$7,500,000	\$28,274,300

1 SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519,
2 Idaho Code, the Department of Water Resources is authorized no more than one
3 hundred fifty-five (155) full-time equivalent positions at any point during
4 the period July 1, 2016, through June 30, 2017, unless specifically autho-
5 rized by the Governor. The Joint Finance-Appropriations Committee will be
6 notified promptly of any increased positions so authorized.

7 SECTION 3. There is hereby appropriated to the Department of Water Re-
8 sources and the State Controller shall transfer \$716,000 from the Revolv-
9 ing Development Fund to the Aquifer Planning and Management Fund, on July
10 1, 2016, or as soon thereafter as practicable, for the period July 1, 2016,
11 through June 30, 2017.

12 SECTION 4. Of the amount appropriated to the Department of Water Re-
13 sources in Section 1 of this act for the Planning and Technical Services Pro-
14 gram from the Economic Recovery Reserve Fund for lump sum, the State Con-
15 troller shall transfer \$2,500,000 to the Secondary Aquifer Planning, Man-
16 agement and Implementation Fund, on July 1, 2016, or as soon thereafter as
17 practicable, for the period July 1, 2016, through June 30, 2017.

18 SECTION 5. Of the amount appropriated to the Department of Water Re-
19 sources in Section 1 of this act for the Planning and Technical Services Pro-
20 gram from the General Fund for lump sum, the State Controller shall transfer
21 \$5,000,000 to the Secondary Aquifer Planning, Management and Implementation
22 Fund, on July 1, 2016, or as soon thereafter as practicable, for the period
23 July 1, 2016, through June 30, 2017.

24 SECTION 6. There is hereby appropriated to the Department of Water Re-
25 sources and the State Controller shall transfer \$100,400 from the General
26 Fund to the Miscellaneous Revenue Fund, on July 1, 2016, or as soon there-
27 after as practicable, for the period July 1, 2016, through June 30, 2017.
28 Such moneys shall be credited to the Priest Lake Outlet Subaccount.

29 SECTION 7. LEGISLATIVE INTENT. It is the intent of the Legislature that
30 the Idaho Water Resource Board sell the Pristine Springs property for the ap-
31 praised value and that the proceeds be deposited to the General Fund.

STATEMENT OF PURPOSE

RS24709

This is the fiscal year 2017 appropriation to the Department of Water Resources in the amount of \$18,530,400 from the General Fund, \$7,465,600 from dedicated funds, and \$2,278,300 in federal funds for a total of \$28,274,300. The budget includes increased funding for benefit costs, a 3% CEC and accounts for the 27 payroll. Inflationary adjustments include General Funds for rent costs and dedicated funds for general inflation such as travel and repairs. Replacement items include software upgrades, computer equipment adjusted to a four-year replacement cycle, seven vehicles, and field equipment. Line item 1 provides additional appropriation to allow the department to spend receipts from subleases to the State Appellate Public Defender and the Soil and Water Conservation Commission. Line item 2 reflects the seventh year of loan repayments from Groundwater users for purchase of the water rights at Pristine Springs. This budget then transfers those money to the Aquifer Planning and Management Fund for aquifer monitoring, measurement, and modeling. Line item 3 shifts funding for the last remaining position funded with dedicated funds, in the Northern Idaho Adjudication, to the General Fund. Line item 4 funds five positions, including one vacant unfunded FTP, to support the surface water settlement agreement. Line item 5 provides \$5,000 ongoing for the Bear River Commission Assessment. Line item 6 provides funding for one technical hydrogeologist needed in Coeur d'Alene. Line item 8 provides funding for two positions to work on water right licensing backlogs. Line item 11 includes \$5 million ongoing from the General Fund and \$2.5 million one-time from the Economic Recovery Reserve Fund for water recharge and aquifer stabilization projects as resolved in SCR 136 and SCR 137. Those moneys are then transferred to the Secondary Aquifer Planning, Management, and Implementation Fund.

Overall, the budget adds funding for eight positions: one in Coeur d'Alene, two in Idaho Falls, one in Twin Falls, three at the Boise Regional Office, and one at the Boise Headquarters. The total budget is a 52.4% increase in the General Fund and a 36.7% increase in all funds.

FISCAL NOTE

	FTP	Gen	Ded	Fed	Total
FY 2016 Original Appropriation	152.00	12,161,700	4,796,100	3,725,400	20,683,200
1. Idaho Water Center Renovation Costs	0.00	484,900	0	0	484,900
FY 2016 Total Appropriation	152.00	12,646,600	4,796,100	3,725,400	21,168,100
Noncognizable Funds and Transfers	0.00	0	0	0	0
FY 2016 Estimated Expenditures	152.00	12,646,600	4,796,100	3,725,400	21,168,100
Removal of One-Time Expenditures	0.00	(1,073,600)	0	0	(1,073,600)
Base Adjustments	(1.00)	0	0	(1,500,000)	(1,500,000)
FY 2017 Base	151.00	11,573,000	4,796,100	2,225,400	18,594,500
Benefit Costs	0.00	109,800	41,600	8,500	159,900
Inflationary Adjustments	0.00	43,700	11,000	0	54,700
Replacement Items	0.00	405,400	0	0	405,400
Statewide Cost Allocation	0.00	(46,600)	200	0	(46,400)
Change in Employee Compensation	0.00	199,500	87,600	27,300	314,400

Statement of Purpose / Fiscal Note

S1402

27th Payroll	0.00	251,600	92,200	17,100	360,900
FY 2017 Program Maintenance	151.00	12,536,400	5,028,700	2,278,300	19,843,400
1. Idaho Water Center Sublease	0.00	0	18,200	0	18,200
2. Aquifer Measuring and Monitoring	0.00	0	716,000	0	716,000
3. Shift Adjudication Staff to General Fund	0.00	81,300	(81,300)	0	0
4. Surface Water Settlement Agreement	4.00	546,100	0	0	546,100
5. Bear River Commission Assessment	0.00	5,000	0	0	5,000
6. Northern Idaho Tech Hydrogeologist	0.00	125,900	0	0	125,900
7. Re-establish Office in Salmon	0.00	0	0	0	0
8. Water Right Licensing	0.00	235,700	0	0	235,700
9. Hydrologic Data Collection	0.00	0	0	0	0
10. Water Right Vault Shelving	0.00	0	0	0	0
11. Water Sustainability Projects	0.00	5,000,000	2,500,000	0	7,500,000
12. Priest Lake Outlet Subaccount	0.00	100,400	0	0	100,400
Cash Transfers	0.00	(100,400)	(716,000)	0	(816,400)
FY 2017 Total	155.00	18,530,400	7,465,600	2,278,300	28,274,300
Chg from FY 2016 Orig Approp	3.00	6,368,700	2,669,500	(1,447,100)	7,591,100
% Chg from FY 2016 Orig Approp.	2.0%	52.4%	55.7%	(38.8%)	36.7%

Section 3 directs the State Controller to transfer \$716,000 in cash from the Revolving Development Fund to the appropriated Aquifer Planning and Management Fund. Sections 4 and 5 direct the Controller to transfer \$7.5 million of the moneys appropriated in Section 1 to the Secondary Fund.

Section 6 transfers \$100,400 from General Fund to the Priest Lake Outlet Subaccount to restore cash used for the 2005 move of the Department of Water Resources from Orchard Street to the Idaho Water Center. This \$100,400 is counted as a General Fund "transfer out" in the Legislative record, and is in addition to the General Fund appropriation provided in Section 1 of this bill.

Legislative intent is included to direct the Water Resource Board to sell the Pristine Springs property for the appraised value and deposit the proceeds to the General Fund. An October 28, 2013 appraisal of the 386.93 acre Pristine Springs Ranch put a value of \$3.6 million on the hatchery, power plant, buildings, and land. The Water Resource Board has over \$5 million into the property from the Revolving Development Fund.

Contact:

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LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature Second Regular Session - 2016

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 446

BY APPROPRIATIONS COMMITTEE

AN ACT

1 APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR
2 FISCAL YEAR 2016; AND DECLARING AN EMERGENCY.
3

4 Be It Enacted by the Legislature of the State of Idaho:

5 SECTION 1. In addition to the appropriation made in Section 1, Chap-
6 ter 215, Laws of 2015, and any other appropriation provided for by law, there
7 is hereby appropriated \$484,900 from the General Fund to the Department of
8 Water Resources for the Management and Support Services Program, to be ex-
9 pended for operating expenditures, for the period July 1, 2015, through June
10 30, 2016.

11 SECTION 2. An emergency existing therefor, which emergency is hereby
12 declared to exist, this act shall be in full force and effect on and after its
13 passage and approval.

STATEMENT OF PURPOSE

RS24409

This is a supplemental appropriation to the Idaho Department of Water Resources for \$484,900 from the General Fund to pay for renovation of 9,037 square feet on the fifth floor in the Idaho Water Center (IWC). This space was previously remodeled in April of 2011 and leased to the Idaho Supreme Court Law Library and University of Idaho Law School until they both vacated in July of 2015. The Division of Public works has drafted a lease between the Department of Water Resources and the State Appellate Public Defender (SAPD) for 6,600 rentable square feet. The architect estimates renovation costs for that space at \$55 per square foot for a total of \$363,000. Furthermore, Public Works is negotiating a lease between IDWR and the Soil and Water Conservation Commission (SWCC) for 2,437 square feet. The architect estimates renovation costs to be \$50 a square foot for a total of \$121,900. These costs are needed to satisfy the office space requirements of the SAPD and SWCC.

FISCAL NOTE

	FTP	Gen	Ded	Fed	Total
FY 2016 Original Appropriation	152.00	12,161,700	4,796,100	3,725,400	20,683,200
1. Idaho Water Center Renovation Costs	0.00	484,900	0	0	484,900
FY 2016 Total Appropriation	152.00	12,646,600	4,796,100	3,725,400	21,168,100
Chg from FY 2016 Orig Approp	0.00	484,900	0	0	484,900
% Chg from FY 2016 Orig Approp.	0.0%	4.0%	0.0%	0.0%	2.3%

This is an FY 2016 one-time supplemental appropriation from the General Fund to the Idaho Department of Water Resources for \$484,900.

Contact:

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(208) 334-4741

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature First Regular Session - 2017

IN THE SENATE

SENATE BILL NO. 1176

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND; AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Water Resources, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:						
FROM:						
General						
Fund	\$915,300	\$911,400	\$233,100			\$2,059,800
Indirect Cost Recovery						
Fund	496,800	152,300				649,100
Water Administration						
Fund	51,900	21,700				73,600
Miscellaneous Revenue						
Fund	<u>0</u>	<u>155,800</u>	<u>0</u>			<u>155,800</u>
TOTAL	\$1,464,000	\$1,241,200	\$233,100			\$2,938,300

II. PLANNING AND TECHNICAL SERVICES:

FROM:						
General						
Fund	\$2,676,700	\$665,100	\$9,100	\$882,000	\$5,000,000	\$9,232,900
Indirect Cost Recovery						
Fund		12,200				12,200
Aquifer Planning and Management						
Fund	862,200	431,600				1,293,800

	FOR	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	LUMP	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	PAYMENTS	TOTAL
Miscellaneous Revenue						
Fund		164,500				164,500
Federal Grant						
Fund	<u>557,400</u>	<u>820,600</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,378,000</u>
TOTAL	\$4,096,300	\$2,094,000	\$9,100	\$882,000	\$5,000,000	\$12,081,400
III. WATER MANAGEMENT:						
FROM:						
General						
Fund	\$5,131,800	\$1,873,300	\$187,500			\$7,192,600
Indirect Cost Recovery						
Fund		4,700				4,700
Water Administration						
Fund	1,241,700	229,200				1,470,900
Miscellaneous Revenue						
Fund	859,100	284,200				1,143,300
Federal Grant						
Fund	<u>592,700</u>	<u>336,300</u>	<u>0</u>			<u>929,000</u>
TOTAL	\$7,825,300	\$2,727,700	\$187,500			\$10,740,500
IV. NORTHERN IDAHO ADJUDICATION:						
FROM:						
General						
Fund	\$343,300	\$171,900				\$515,200
Northern Idaho Adjudication						
Fund	<u>0</u>	<u>36,400</u>				<u>36,400</u>
TOTAL	\$343,300	\$208,300				\$551,600
GRAND TOTAL	\$13,728,900	\$6,271,200	\$429,700	\$882,000	\$5,000,000	\$26,311,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred fifty-eight (158) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

1 SECTION 3. There is hereby appropriated to the Department of Water Re-
2 sources and the State Controller shall transfer \$716,000 from the Revolv-
3 ing Development Fund to the Aquifer Planning and Management Fund, on July
4 1, 2017, or as soon thereafter as practicable, for the period July 1, 2017,
5 through June 30, 2018.

6 SECTION 4. Of the amount appropriated to the Department of Water Re-
7 sources in Section 1 of this act for the Planning and Technical Services pro-
8 gram from the General Fund for lump sum, the State Controller shall transfer
9 \$5,000,000 to the Secondary Aquifer Planning, Management and Implementation
10 Fund, on July 1, 2017, or as soon thereafter as practicable, for the period
11 July 1, 2017, through June 30, 2018.

STATEMENT OF PURPOSE

RS25488

This is the fiscal year 2018 appropriation to the Department of Water Resources for \$19,000,500 from the General Fund, \$5,004,300 from dedicated funds, and \$2,307,000 from federal funds for a total of \$26,311,800. FTPs are capped at 158.00.

It includes \$132,600 for benefit costs, \$65,200 for inflationary costs, \$327,000 for replacement items, and a reduction of \$153,000 for statewide cost allocation. It also includes \$327,300 for an ongoing 3% merit-based increase in employee compensation for permanent employees to be distributed at the discretion of the director.

It also includes funding for 9 of the 13 requested line items. Line item 1 reflects the redirection of \$716,000 of loan repayments from groundwater users for purchase of the water rights at Pristine Springs to provide staff support of aquifer modeling and monitoring. Line item 3 provides \$300,000 for water data collection. Line item 4 provides \$82,700 for an additional water bank resource agent. Line item 6 provides \$77,100 for a remote access server solution. Line item 7 provides one FTP and \$80,200 for a the stream channel program specialist. Line item 8 provides \$93,700 and one FTP for a technical hydrogeologist. Line item 9 includes \$24,600 to install a wireless network at the Idaho Water Center. Line item 11 provides \$159,800 for software application development. Line item 12 provides \$88,400 to upgrade the state office phone system. Lastly, JFAC provided \$600 for cybersecurity insurance.

Section 3 authorizes the cash transfer of \$716,000 from the Revolving Development Fund to the Aquifer Planning and Management Fund. Section 4 authorizes the transfer of \$5 million of the General Fund appropriation to the Secondary Aquifer Planning, Management and Implementation Fund.

FISCAL NOTE

	FTP	Gen	Ded	Fed	Total
FY 2017 Original Appropriation	155.00	18,530,400	7,465,600	2,278,300	28,274,300
Noncognizable Funds and Transfers	0.00	0	0	0	0
FY 2017 Estimated Expenditures	155.00	18,530,400	7,465,600	2,278,300	28,274,300
Removal of One-Time Expenditures	0.00	(958,700)	(2,592,300)	(17,700)	(3,568,700)
FY 2018 Base	155.00	17,571,700	4,873,300	2,260,600	24,705,600
Benefit Costs	0.00	93,300	33,500	5,800	132,600
Inflationary Adjustments	0.00	38,900	13,300	13,000	65,200
Replacement Items	0.00	327,000	0	0	327,000
Statewide Cost Allocation	0.00	(152,600)	(400)	0	(153,000)
Change in Employee Compensation	0.00	215,100	84,600	27,600	327,300
FY 2018 Program Maintenance	155.00	18,093,400	5,004,300	2,307,000	25,404,700
1. Aquifer Measuring and Monitoring	0.00	0	716,000	0	716,000
2. Process Stock Water Claims (NA)	0.00	0	0	0	0
3. Water Data Collection	0.00	300,000	0	0	300,000
4. Water Bank Staff	1.00	82,700	0	0	82,700
5. GIS Analyst Fund Shift (not approved)	0.00	0	0	0	0

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

	FTP	Gen	Ded	Fed	Total
6. Remote Access Server Solution	0.00	77,100	0	0	77,100
7. Stream Channel Program Specialist	1.00	80,200	0	0	80,200
8. Technical Hydrogeologist - Modeler	1.00	93,700	0	0	93,700
9. State Office Wi-Fi Infrastructure	0.00	24,600	0	0	24,600
10. Upgrade Western Region Bandwidth (Not Approved)	0.00	0	0	0	0
11. Software Application Development	0.00	159,800	0	0	159,800
12. State Office Phone System Upgrade	0.00	88,400	0	0	88,400
13. Network Monitoring System (NA)	0.00	0	0	0	0
Cybersecurity Insurance	0.00	600	0	0	600
Cash Transfers	0.00	0	(716,000)	0	(716,000)
FY 2018 Total	158.00	19,000,500	5,004,300	2,307,000	26,311,800
Chg from FY 2017 Orig Approp	3.00	470,100	(2,461,300)	28,700	(1,962,500)
% Chg from FY 2017 Orig Approp.	1.9%	2.5%	(33.0%)	1.3%	(6.9%)

Contact:

Ray Houston
Budget and Policy Analysis
(208) 334-4741

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature First Regular Session - 2017

IN THE SENATE

SENATE BILL NO. 1197

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR
FISCAL YEAR 2018; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT PO-
SITIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. In addition to the appropriation made in Section 1 of Senate
Bill No. 1176, as enacted by the First Regular Session of the Sixty-fourth
Idaho Legislature, there is hereby appropriated to the Department of Water
Resources, for the Water Management Program, the following amounts to be ex-
pended according to the designated expense classes from the General Fund for
the period July 1, 2017, through June 30, 2018:

FOR:

Personnel Costs	\$150,000
Operating Expenditures	130,000
Capital Outlay	<u>20,000</u>
TOTAL	\$300,000

SECTION 2. FTP AUTHORIZATION. The full-time equivalent position autho-
rization provided to the Department of Water Resources in Section 2 of Senate
Bill No. 1176, as enacted by the First Regular Session of the Sixty-fourth
Idaho Legislature, is increased by two (2) for the period July 1, 2017,
through June 30, 2018.

STATEMENT OF PURPOSE

RS25575

This trailer appropriation bill funds S1101 in the amount of \$300,000 from the General Fund. In the Snake River Basin Adjudication ("SRBA"), small stockwater right holders were not required to file claims in the adjudication, but could defer the filing until a later time. S1101 encourages stockmen grazing livestock on federal lands to file the deferred water right claims by limiting the filing fee payment to no more than \$100, and exempts the stockmen from any cost of publication, or any costs of investigation, assistance, and recommendation by IDWR. There will be no other fees or costs imposed for such claims.

S1101 then contemplates that IDWR will assume the costs of investigation, assistance, and recommendation.

FISCAL NOTE

Costs are based on the assumption of 1,000 stockwater right claims per year for each of the next 10 years. The budget is based on the estimate that each water resource agent could process 500 water right claims per year. The fiscal impact includes \$150,000 for personnel costs for two senior water resource agents, \$15,000 for ongoing operating expenditures for the two positions, \$100,000 per year for publication of legal notices, \$15,000 one-time for initial claims taking, and \$20,000 one-time for equipment costs.

This bill appropriates \$300,000 for FY 2018 from the General Fund with \$35,000 one-time and \$265,000 ongoing to the Department of Water Resources.

Contact:

Ray Houston
Budget and Policy Analysis
(208) 334-4741

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature Second Regular Session - 2018

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 677

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND; TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE REVOLVING DEVELOPMENT FUND; AND PROVIDING LEGISLATIVE INTENT REGARDING THE PRIEST LAKE WATER MANAGEMENT PROJECT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Water Resources the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:						
FROM:						
General						
Fund	\$983,200	\$856,600	\$170,500			\$2,010,300
Indirect Cost Recovery						
Fund	499,800	152,900				652,700
Water Administration						
Fund	51,800	21,700				73,500
Miscellaneous Revenue						
Fund	<u>0</u>	<u>163,800</u>	<u>0</u>			<u>163,800</u>
TOTAL	\$1,534,800	\$1,195,000	\$170,500			\$2,900,300

II. PLANNING AND TECHNICAL SERVICES:

FROM:

General

Fund	\$2,801,500	\$696,400	\$24,000	\$882,000	\$5,000,000	\$9,403,900
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
Indirect Cost Recovery						
Fund		13,700				13,700
Aquifer Planning and Management						
Fund	958,200	449,800	7,500			1,415,500
Miscellaneous Revenue						
Fund		164,500				164,500
Technology Infrastructure Stabilization						
Fund		73,000	15,000			88,000
Federal Grant						
Fund	<u>305,100</u>	<u>831,700</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,136,800</u>
TOTAL	\$4,064,800	\$2,229,100	\$46,500	\$882,000	\$5,000,000	\$12,222,400
III. WATER MANAGEMENT:						
FROM:						
General						
Fund	\$5,312,800	\$2,079,200	\$176,000			\$7,568,000
Indirect Cost Recovery						
Fund		4,900				4,900
Water Administration						
Fund	1,252,700	230,500				1,483,200
Miscellaneous Revenue						
Fund	865,800	297,200				1,163,000
Federal Grant						
Fund	<u>225,000</u>	<u>338,400</u>	<u>0</u>			<u>563,400</u>
TOTAL	\$7,656,300	\$2,950,200	\$176,000			\$10,782,500
IV. NORTHERN IDAHO ADJUDICATION:						
FROM:						
General						
Fund	\$345,200	\$174,700				\$519,900
Northern Idaho Adjudication						
Fund	<u>0</u>	<u>36,700</u>				<u>36,700</u>
TOTAL	\$345,200	\$211,400				\$556,600
GRAND TOTAL	\$13,601,100	\$6,585,700	\$393,000	\$882,000	\$5,000,000	\$26,461,800

1 SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519,
2 Idaho Code, the Department of Water Resources is authorized no more than one
3 hundred sixty-three (163.00) full-time equivalent positions at any point
4 during the period July 1, 2018, through June 30, 2019, unless specifically
5 authorized by the Governor. The Joint Finance-Appropriations Committee
6 will be notified promptly of any increased positions so authorized.

7 SECTION 3. CASH TRANSFER FOR AQUIFER MONITORING, MEASUREMENT, AND MOD-
8 ELING. There is hereby appropriated to the Department of Water Resources and
9 the State Controller shall transfer \$716,000 from the Revolving Development
10 Fund to the Aquifer Planning and Management Fund on July 1, 2018, or as soon
11 thereafter as practicable, for the period July 1, 2018, through June 30,
12 2019, to be used for aquifer monitoring, measurement, and modeling.

13 SECTION 4. CASH TRANSFER FOR AQUIFER MANAGEMENT. Of the amount appro-
14 priated to the Department of Water Resources in Section 1 of this act for
15 the Planning and Technical Services Program from the General Fund for lump
16 sum, the State Controller shall transfer \$5,000,000 to the Secondary Aquifer
17 Planning, Management and Implementation Fund on July 1, 2018, or as soon
18 thereafter as practicable, for the period July 1, 2018, through June 30,
19 2019, to be used for aquifer recharge and management.

20 SECTION 5. CASH TRANSFER FOR PRIEST LAKE WATER MANAGEMENT PROJECT.
21 There is hereby appropriated to the Department of Water Resources and the
22 State Controller shall transfer \$2,400,000 from the General Fund to the
23 Revolving Development Fund on July 1, 2018, or as soon thereafter as prac-
24 ticable, for the period July 1, 2018, through June 30, 2019, to be used for
25 Priest Lake water storage capacity and navigation.

26 SECTION 6. USE OF FUNDS FOR PRIEST LAKE WATER MANAGEMENT PROJECT.
27 Notwithstanding the provisions of Section 5, Chapter 328, Laws of 2005, or
28 any other provision of law to the contrary, \$5,000,000 from the Revolving
29 Development Fund, or so much thereof as is necessary, shall be used solely
30 for the expansion of Priest Lake water storage and navigation.

STATEMENT OF PURPOSE

RS26329

This is the FY 2019 original appropriation bill for the Department of Water Resources. It appropriates \$26,461,800 and caps the number of authorized full-time equivalent positions at 163.00.

For benefit costs, the bill removes \$1,450 per eligible FTP to bring the annual employer contribution for health insurance down to \$11,650 by including a two-month employee and employer premium holiday, adds a 6.8% increase for life insurance, and adjusts funding for workers' compensation in amounts that vary by agency. Inflationary adjustments include \$93,700 for general and rent inflation. Funding for replacement items includes \$392,200 for computers, software, furniture, and three trucks. For statewide cost allocation, \$100,500 is provided, as Attorney General fees will increase by \$103,200, fees for Legislative Audits will increase by \$3,000, risk management costs will decrease by \$9,900, State Controller fees will increase by \$4,100, and State Treasurer fees will increase by \$100. The bill also provides funding for a 3% ongoing merit-based salary increase for permanent employees, to be distributed at the discretion of the director.

The bill funds seven line items, which provide: \$716,000 for aquifer measuring and monitoring that will be transferred to the Aquifer Planning and Management Fund; 1.00 FTP and \$117,100 to hire an analyst to measure and model water use; 1.00 FTP and \$72,400 to hire a grant and contract specialist due to increases in contracts at the department; \$97,000 to purchase cybersecurity software and new phones; \$13,800 from the General Fund and \$88,000 from the Technology Infrastructure Stabilization Fund to purchase an integrated ground water database; \$2,400,000 from the General Fund to provide a portion of the costs for the Priest Lake Project as outlined in Section 5 of this bill; and 1.00 FTP and \$98,800 to hire a planning position to aid the Water Resources Board in long term planning. Section 6 of this bill provides a project cap of \$5 million for the Priest Lake Project, made up of the \$2.4 million General Fund transfer and \$2,419,600 of funding that was originally appropriated to the Revolving Development Fund in 2005 for the Conservation Reserve Enhancement Program (CREP). The demand for CREP funding, which retires irrigated land to conserve water, has not been as high as expected, so these funds will be used for the Priest Lake Project.

FISCAL NOTE

	FTP	Gen	Ded	Fed	Total
FY 2018 Original Appropriation	160.00	19,300,500	5,004,300	2,307,000	26,611,800
Removal of Onetime Expenditures	0.00	(700,400)	0	0	(700,400)
Base Adjustments	0.00	0	0	(625,000)	(625,000)
FY 2019 Base	160.00	18,600,100	5,004,300	1,682,000	25,286,400
Benefit Costs	0.00	(163,700)	(57,000)	(7,700)	(228,400)
Inflationary Adjustments	0.00	46,000	34,500	13,200	93,700
Replacement Items	0.00	392,200	0	0	392,200
Statewide Cost Allocation	0.00	96,900	3,600	0	100,500
Change in Employee Compensation	0.00	230,300	87,300	12,700	330,300
FY 2019 Program Maintenance	160.00	19,201,800	5,072,700	1,700,200	25,974,700
1. Aquifer Measuring and Monitoring	0.00	0	716,000	0	716,000
2. METRIC Technical Analyst	1.00	117,100	0	0	117,100
3. Grants and Contracts FTP	1.00	72,400	0	0	72,400
4. IT/Telecommunications	0.00	97,000	0	0	97,000

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5. Software Licenses	0.00	0	0	0	0
6. IGWDMS Database Software	0.00	13,800	88,000	0	101,800
7. Western Region Bandwidth	0.00	0	0	0	0
8. Wi-Fi Infrastructure	0.00	0	0	0	0
9. Priest Lake Infrastructure	0.00	2,400,000	0	0	2,400,000
10. Planning Position	1.00	0	98,800	0	98,800
Cash Transfers	0.00	(2,400,000)	(716,000)	0	(3,116,000)
FY 2019 Total	163.00	19,502,100	5,259,500	1,700,200	26,461,800
Chg from FY 2018 Orig Approp	3.00	201,600	255,200	(606,800)	(150,000)
% Chg from FY 2018 Orig Approp.	1.9%	1.0%	5.1%	(26.3%)	(0.6%)

Contact:

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 Budget and Policy Analysis
 (208) 334-4742

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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature Second Regular Session - 2018

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 712

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2018; APPROPRIATING AND TRANSFERRING ADDITIONAL MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT FUND FOR FISCAL YEAR 2018; PROVIDING LEGISLATIVE INTENT REGARDING GRANT APPLICATIONS FROM THE WATER MANAGEMENT FUND; PROVIDING LEGISLATIVE INTENT REGARDING PROJECT PRIORITIZATION; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. CASH TRANSFER FOR FLOOD MANAGEMENT PROGRAM. There is hereby appropriated and the State Controller shall transfer \$1,000,000 from the General Fund to the Water Management Fund created pursuant to Section 42-1760, Idaho Code, as soon as practicable to be used for flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects.

SECTION 2. USES OF THE WATER MANAGEMENT FUND. The moneys appropriated and transferred in Section 1 of this act are to be administered by the Idaho Water Resource Board through a competitive, matching grant process. Notwithstanding the provisions of Section 42-1760(2)(b), Idaho Code, grants may be larger than \$50,000 at the discretion of the board.

SECTION 3. PROJECT PRIORITIZATION. It is the intent of the Legislature that the selection process for the grants authorized in Section 2 of this bill shall require the availability of fifty percent (50%) matching funds and that projects shall be given priority on a competitive statewide basis throughout Idaho. The Department of Water Resources staff shall support this competitive grant process using existing personnel and resources.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

STATEMENT OF PURPOSE

RS26410

This bill includes a FY 2018 transfer of \$1,000,000 from the General Fund to the Water Management Fund in the Department of Water Resources. This funding will provide for a grant program administered by the Idaho Water Resources Board to provide competitive grants for flood preparation, flood response, and long-term flood management.

The bill includes intent language in Section 2 that authorizes the Water Resources Board to approve projects over \$50,000 and requires that grants be competitive on a statewide basis. Section 3 requires that there be a 50% match to state dollars and that the Department of Water Resources shall assist the Water Resources Board with existing personnel and resources.

FISCAL NOTE

This bill provides for the appropriation and transfer of \$1,000,000 from the General Fund to the Water Management Fund in the Department of Water Resources for FY 2018. This fund is continuously appropriated under Section 42-1760, Idaho Code.

Contact:

Rob J Sepich
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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Regular Session - 2019

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 256

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND; AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Water Resources the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:						
FROM:						
General						
Fund	\$1,012,000	\$779,000	\$165,000			\$1,956,000
Indirect Cost Recovery						
Fund	514,100	162,300	14,200			690,600
Technology Infrastructure Stabilization						
Fund		177,800	145,000			322,800
Water Administration						
Fund	53,100	22,100				75,200
Miscellaneous Revenue						
Fund	<u>0</u>	<u>169,100</u>	<u>0</u>			<u>169,100</u>
TOTAL	\$1,579,200	\$1,310,300	\$324,200			\$3,213,700

II. PLANNING AND TECHNICAL SERVICES:

FROM:

General

Fund	\$2,882,500	\$735,400		\$908,500	\$5,000,000	\$9,526,400
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	FOR	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	LUMP	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	PAYMENTS	TOTAL
					SUM	
Indirect Cost Recovery						
Fund		16,600				16,600
Aquifer Planning and Management						
Fund	986,200	454,600				1,440,800
Miscellaneous Revenue						
Fund		164,600				164,600
Federal Grant						
Fund	<u>313,900</u>	<u>833,300</u>		<u>0</u>	<u>0</u>	<u>1,147,200</u>
TOTAL	\$4,182,600	\$2,204,500		\$908,500	\$5,000,000	\$12,295,600
III. WATER MANAGEMENT:						
FROM:						
General						
Fund	\$5,464,300	\$2,158,600	\$12,700			\$7,635,600
Indirect Cost Recovery						
Fund		7,400				7,400
Water Administration						
Fund	1,286,800	233,900	10,000			1,530,700
Miscellaneous Revenue						
Fund	889,900	307,800				1,197,700
Federal Grant						
Fund	<u>230,400</u>	<u>342,200</u>	<u>0</u>			<u>572,600</u>
TOTAL	\$7,871,400	\$3,049,900	\$22,700			\$10,944,000
IV. NORTHERN IDAHO ADJUDICATION:						
FROM:						
General						
Fund	\$355,000	\$185,700				\$540,700
Northern Idaho Adjudication						
Fund	<u>0</u>	<u>38,000</u>				<u>38,000</u>
TOTAL	\$355,000	\$223,700				\$578,700
GRAND TOTAL	\$13,988,200	\$6,788,400	\$346,900	\$908,500	\$5,000,000	\$27,032,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred sixty-three (163.00) full-time equivalent positions at any point

1 during the period July 1, 2019, through June 30, 2020, unless specifically
2 authorized by the Governor. The Joint Finance-Appropriations Committee
3 will be notified promptly of any increased positions so authorized.

4 SECTION 3. CASH TRANSFER FOR AQUIFER MONITORING, MEASUREMENT, AND MOD-
5 ELING. There is hereby appropriated to the Department of Water Resources and
6 the State Controller shall transfer \$716,000 from the Revolving Development
7 Fund to the Aquifer Planning and Management Fund on July 1, 2019, or as soon
8 thereafter as practicable, for the period July 1, 2019, through June 30,
9 2020, to be used for aquifer monitoring, measurement, and modeling.

10 SECTION 4. CASH TRANSFER FOR AQUIFER MANAGEMENT. Of the amount appro-
11 priated to the Department of Water Resources in Section 1 of this act for
12 the Planning and Technical Services Program from the General Fund for lump
13 sum, the State Controller shall transfer \$5,000,000 to the Secondary Aquifer
14 Planning, Management and Implementation Fund on July 1, 2019, or as soon
15 thereafter as practicable, for the period July 1, 2019, through June 30,
16 2020, to be used for aquifer recharge and management.

STATEMENT OF PURPOSE

RS27070

This is the FY 2020 original appropriation bill for the Department of Water Resources. It appropriates a total of \$27,032,000 and caps the number of authorized full-time equivalent positions at 163.00.

For benefit costs, the bill maintains the current appropriated amount for health insurance at \$11,650 per eligible FTP; provides a 5.5% increase for the employer's share of PERSI contributions; and temporarily reduces the rate agencies pay the Division of Human Resources for its services. Inflationary adjustments include \$91,400 for rent increases, general inflation, and stream gauging work with the United States Geological Service. Funding for replacement items includes \$189,200 for computers, servers, furniture, and flow measuring equipment. For statewide cost allocation, \$94,900 is provided. The bill also provides funding for the equivalent of a 3% change in employee compensation for permanent employees, with a minimum increase of \$550 for each employee and the remaining amount to be distributed based on merit. The bill funds six line items, which provide: \$716,000 for aquifer measuring and monitoring that will be transferred to the Aquifer Planning and Management Fund; \$177,800 for a software application development contractor; \$42,700 from the General Fund to finish replacing the phone system with Voice Over Internet Protocol (VoIP) phones; \$6,000 for data entry automation software; \$149,000 for off-site disaster recovery equipment; and \$3,800 for GOV TECH 1 Core Network Equipment Replacement. The bill also includes language directing the transfer of \$5 million of lump sum authority from the General Fund to the Secondary Aquifer Planning, Management and Implementation Fund for water recharge efforts.

FISCAL NOTE

	FTP	Gen	Ded	Fed	Total
FY 2019 Original Appropriation	163.00	19,502,100	5,259,500	1,700,200	26,461,800
Removal of Onetime Expenditures	0.00	(476,200)	(95,500)	0	(571,700)
FY 2020 Base	163.00	19,025,900	5,164,000	1,700,200	25,890,100
Benefit Costs	0.00	28,500	10,000	1,300	39,800
Inflationary Adjustments	0.00	60,900	26,000	4,500	91,400
Replacement Items	0.00	165,000	24,200	0	189,200
Statewide Cost Allocation	0.00	89,100	5,800	0	94,900
Change in Employee Compensation	0.00	242,600	91,800	12,900	347,300
FY 2020 Program Maintenance	163.00	19,612,000	5,321,800	1,718,900	26,652,700
1. Aquifer Measuring and Monitoring	0.00	0	716,000	0	716,000
2. Software Application Development	0.00	0	177,800	0	177,800
3. VoIP Phone System Update	0.00	42,700	0	0	42,700
5. Data Entry Automation	0.00	0	6,000	0	6,000
6. Off-Site Disaster Recovery	0.00	4,000	145,000	0	149,000
GOV TECH 1. Network Equip Replacement	0.00	0	2,900	900	3,800
Cash Transfers	0.00	0	(716,000)	0	(716,000)
FY 2020 Total	163.00	19,658,700	5,653,500	1,719,800	27,032,000
Chg from FY 2019 Orig Approp	0.00	156,600	394,000	19,600	570,200
% Chg from FY 2019 Orig Approp.	0.0%	0.8%	7.5%	1.2%	2.2%

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Contact:

Rob J Sepich
Budget and Policy Analysis
(208) 334-4742

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Appendix G – SCR 136 (2016) (legislative approval to increase the phase 1 recharge goal from 100 KAF to 250 KAF on an average annual basis prior to 2019, pursuant to the requirement of the Swan Falls Re-Affirmation Agreement)

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 136

BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE RECOGNIZING THE NEED FOR MANAGED RECHARGE OF THE EASTERN SNAKE PLAIN AQUIFER, AND RESOLVING THAT THE STATE OF IDAHO ESTABLISH A MANAGED RECHARGE GOAL OF 250,000 ACRE-FEET ON AN AVERAGE ANNUAL BASIS ACROSS THE ESPA, DEVELOP THE CAPACITY TO ACHIEVE 250,000 ACRE-FEET OF AVERAGE ANNUAL MANAGED RECHARGE ON OR BEFORE DECEMBER 31, 2024, AND INCREASE THE 100,000 ACRE-FEET AVERAGE ANNUAL ESPA CAMP PHASE I TARGET FOR STATE FUNDED MANAGED RECHARGE TO 250,000 ACRE-FEET OF AVERAGE ANNUAL RECHARGE ACROSS THE ESPA.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Policy 1I of the 2012 Idaho State Water Plan provides that "aquifer recharge should be promoted and encouraged, consistent with state law"; and

WHEREAS, the Eastern Snake Plain Aquifer (ESPA) supplies ground water to nearly one million irrigated acres and to numerous cities, businesses, dairies, factories and homes; and

WHEREAS, the ESPA is hydraulically connected to the Snake River and discharges to the Snake River via tributary springs, which supply surface water for multiple beneficial uses, including aquaculture, hydropower, and the irrigation of nearly one million acres; and

WHEREAS, since 1952 the total volume of water stored in the ESPA has decreased by an average of 216,000 acre-feet annually due to increasing diversions of ground water, increasingly efficient surface water irrigation practices, and other factors; and

WHEREAS, as a result of declines to ESPA water levels and total storage content, there is currently an insufficient water supply for some water users leading to water delivery calls, protracted litigation, and curtailment notices issued by the Idaho Department of Water Resources; and

WHEREAS, sustaining the spring flows in the Thousand Spring reach of the Snake River is essential to maintaining the Murphy minimum stream flows; and

WHEREAS, failure to maintain the Murphy minimum stream flows will require curtailment of water rights junior to October 25, 1984; and

WHEREAS, current ESPA water levels and total storage content are inadequate to provide a reasonably safe supply of water for sustainable surface and ground water irrigation, aquaculture, hydropower, municipal and industrial uses, the curtailment of which would cause severe economic harm to the State of Idaho; and

WHEREAS, Policy 4D of the 2012 Idaho State Water Plan provides that "[t]he Eastern Snake Plain Aquifer and the Snake River below Milner Dam should be conjunctively managed to provide a sustainable water supply for all existing and future beneficial uses within and downstream of the ESPA"; and

1 WHEREAS, Policy 4E provides that "[d]evelopment of new ... aquifer
2 storage is in the public interest"; and

3 WHEREAS, a 2009 Eastern Snake Plain Aquifer Comprehensive Aquifer Man-
4 agement Plan ("ESPA CAMP") goal is to "[s]ustain the economic viability and
5 social and environmental health of the Eastern Snake Plan by adaptively man-
6 aging a balance between water use and supplies"; and

7 WHEREAS, the ESPA CAMP established a long-term goal of 600,000
8 acre-feet average annual change to the ESPA aquifer budget by 2030; and

9 WHEREAS, the ESPA CAMP established a long-term hydrologic target for
10 managed aquifer recharge of 150,000 to 250,000 acre-feet on an average an-
11 nual basis; and

12 WHEREAS, Phase I of the ESPA CAMP established a 100,000 acre-feet aver-
13 age annual managed hydrologic target; and

14 WHEREAS, a 2009 Memorandum of Agreement between the Idaho Water Re-
15 source Board and Idaho Power Company provides that "[i]f the Board proposes
16 to increase the 100,000 acre-feet average annual ESPA CAMP Phase I target for
17 managed aquifer recharge by more than 75,000 acre-feet prior to January 1,
18 2019, the Board must obtain legislative approval for such increase"; and

19 WHEREAS, stabilizing and enhancing the ESPA water level is in the public
20 interest because it will lead to a sustainable water supply for consumptive
21 and nonconsumptive uses and minimize harm to Idaho's economy arising from
22 water supply shortages; and

23 WHEREAS, the state funding of the implementation of 250,000 acre-feet
24 average annual managed recharge is consistent with the 2012 Idaho State Wa-
25 ter Plan and the ESPA CAMP, and will help to alleviate the current water sup-
26 ply conflicts and ESPA sustainability issues.

27 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
28 sion of the Sixty-third Idaho Legislature, the Senate and the House of Rep-
29 resentatives concurring therein, that the State of Idaho recognizes the need
30 for managed recharge of the Eastern Snake Plain Aquifer and resolves that the
31 State of Idaho establish a managed recharge goal of 250,000 acre-feet on an
32 average annual basis across the ESPA.

33 BE IT FURTHER RESOLVED that the state develop the capacity to achieve
34 250,000 acre-feet of average annual managed recharge on or before December
35 31, 2024.

36 BE IT FURTHER RESOLVED that the State of Idaho increase the 100,000
37 acre-feet average annual ESPA CAMP Phase I target for state funded managed
38 recharge to 250,000 acre-feet of average annual recharge across the ESPA.

**Appendix H – SCR 138 Idaho Groundwater Appropriators (IGWA) -
Surface Water Coalition (SWC) Settlement (2016)**

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 138

BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE SUPPORTING THE SETTLEMENT AGREEMENT ENTERED INTO ON JUNE 30, 2015, BETWEEN PARTICIPATING MEMBERS OF THE SURFACE WATER COALITION AND PARTICIPATING MEMBERS OF THE IDAHO GROUND WATER APPROPRIATORS, INC. TO RESOLVE LITIGATION, AVOID CURTAILMENT, MAINTAIN SUSTAINABLE GROUND AND SURFACE WATER SUPPLIES ON THE ESPA AND MINIMIZE HARM TO IDAHO'S ECONOMY, SUPPORTING STATE MANAGEMENT TO ENSURE ESPA WATER SUPPLY ISSUES ARE TIMELY ADDRESSED, AND SUPPORTING THE GOAL OF STABILIZING AND REVERSING THE TREND OF DECLINING ESPA WATER LEVELS IN THE EASTERN SNAKE PLAIN AQUIFER.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Eastern Snake Plain Aquifer (ESPA) supplies ground water to approximately one million irrigated acres and to numerous cities, businesses, dairies, factories and homes; and

WHEREAS, the ESPA is hydraulically connected to the Snake River and discharges to the Snake River via tributary springs, which supply surface water for multiple beneficial uses, including aquaculture, hydropower, and the irrigation of approximately one million acres; and

WHEREAS, since 1952 the total volume of water stored in the ESPA has decreased due to increasing direct diversions of ground water, increasingly efficient surface water irrigation practices, and other factors; and

WHEREAS, discharge from the ESPA to the Snake River is the most significant contribution of water to the Snake River between Milner Dam and the Murphy Gage; and

WHEREAS, Policy 4A of the 2012 Idaho State Water Plan requires that the Murphy minimum stream flow water right be administered in priority; and

WHEREAS, the declines in ESPA storage content have decreased surface water supplies available for irrigation, aquaculture, municipal, industrial and other uses on land overlying the Eastern Snake Plain, resulting in multiple water delivery calls, protracted litigation, and curtailment notices issued by the Idaho Department of Water Resources; and

WHEREAS, current ESPA water levels and total storage content, after more than six decades of decline, are inadequate to provide a reasonably safe supply of water for sustainable surface and ground water irrigation, hydropower, aquaculture, municipal and industrial uses, the curtailment of which would cause severe economic harm to the State of Idaho; and

WHEREAS, if the Thousand Springs discharges continue to decline, junior water rights will be required to curtail to sustain the Murphy minimum stream flow; and

WHEREAS, on June 30, 2015, a historic settlement agreement was entered into between the following surface water right holders: A & B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal

**Appendix I – Southwest Irrigation District - SWC Settlement (2018),
HCR 10 Cities - SWC Settlement (2019), and A&B Irrigation District –
SWC Settlement (2015)**

RECEIVED

JAN 04 2018

DEPARTMENT OF
WATER RESOURCES

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*Attorneys for Southwest Irrigation
District and Goose Creek Irrigation
District*

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF SOUTHWEST AND)
GOOSE CREEK IRRIGATION DISTRICTS) Docket No.: CM-MP-2010-01
MITIGATION PLAN FOR THE SURFACE)
WATER COALITION DELIVERY CALL) **JOINT MOTION FOR APPROVAL**
) **OF MITIGATION AGREEMENT**
)
)
)

COME NOW, the Applicants SOUTHWEST IRRIGATION DISTRICT and GOOSE
CREEK IRRIGATION DISTRICT (hereinafter collectively referred to as "Applicants") by
through their attorneys of record Parsons, Smith, Stone, Loveland and Shirley LLP, and the

¹ Mr. Reagan is currently practicing under a legal intern limited license (I.B.C.R. 226). Mr. Reagan also recently passed the bar exam and is the process of being admitted to the Idaho State Bar.

Protestants, A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, and TWIN FALLS CANAL COMPANY, (hereinafter "Surface Water Coalition," "Coalition," or "SWC"), by and through their attorneys of record, Barker Rosholt & Simpson, LLP and Fletcher Law Office, and hereby file this *Joint Motion for Approval of Mitigation Agreement* pursuant to the provisions of Conjunctive Management Rule 43 and other applicable law.

BACKGROUND

The Surface Water Coalition has an outstanding water delivery call to protect senior surface water rights to the Snake River. The Applicants' members hold various ground water rights junior in priority to the Coalition's water rights. On June 15, 2010 the Applicants filed an *Amended Mitigation Plan* regarding the Coalition's delivery call. IDWR published notice of the plan and the Coalition protested the plan on July 9, 2010. Since that time the Coalition and the Applicants have been working in good faith to resolve the protests and reach an acceptable mitigation agreement. The parties initially executed an *Interim Mitigation Agreement* for the years 2013-2015. The Director approved that agreement by final order. *See Final Order Approving Interim Mitigation Plan* (Nov. 25, 2013). The interim agreement was then extended for the years 2016 and 2017. The Director approved both extensions. *See Final Order Approving Mitigation Plan for 2016* (March 29, 2016); *Final Order Approving SWID's Mitigation Plan for 2017* (Feb. 8, 2017).

Since approval of the 2017 extension the Parties have negotiated and ultimately agreed upon terms for a permanent mitigation plan. *See Ex. A.* The agreement provides safe harbor for the Applicants' members' junior priority ground water rights that may otherwise cause material

injury to the Coalition's senior priority surface water rights. The agreement further identifies specific mitigation actions to be undertaken by the Applicants. Finally, the agreement establishes a groundwater level index and goals through a list of wells for continued measurement and monitoring within Water District 45.

JOINT MOTION FOR APPROVAL

The Coalition and the Applicants jointly move the Director to finally approve the *Mitigation Agreement*. The agreement provides for certain aquifer mitigation actions to be undertaken by the Applicants on an annual basis, including groundwater recharge, conversions, and voluntary curtailment. In exchange, the Coalition agrees that the Applicants' members' junior priority ground water rights shall not be subject to curtailment in response to the SWC's water delivery call or any order issued by IDWR during the term of the agreement.

No hearing is requested on this motion, however, the Parties will appear and provide any further information to the Director if needed. The Parties respectfully request the Director to expedite consideration and approval of this motion.

REQUESTS FOR RELIEF

1. The Parties request the Director to approve the *Mitigation Agreement*.
2. The Parties request the Director to lift the stay of the contested case on the Applicants' amended mitigation plan and enter a final order concluding the contested case.
3. The Parties request the Director recognize that the Applicants' members' junior priority ground water rights are not subject to curtailment or any further mitigation requirements in response to the SWC delivery call during the term of the *Mitigation Agreement*.

4. The Parties request the Director to expedite approval of this joint motion.

DATED this 4th day of January, 2018.

BARKER ROSHOLT & SIMPSON LLP


Travis L. Thompson

*Attorneys for A&B Irrigation District, .
Burley Irrigation District, Twin Falls Canal Company,
North Side Canal Company, and Milner
Irrigation District*

FLETCHER LAW OFFICE


W. Kent Fletcher

*Attorneys for American Falls
Reservoir District #2 and
Minidoka Irrigation District*

PARSONS, SMITH, STONE LOVELAND & SHIRLEY LLP


William A. Parsons

*Attorneys for Southwest Irrigation District and
Goose Creek Irrigation District*

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of January, 2018, I served a true and correct copy of the foregoing **JOINT MOTION FOR APPROVAL OF MITIGATION AGREEMENT** by email and by depositing same in the United States mail, postage prepaid, addressed to the following:

Director Gary Spackman
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720-0098
gary.spackman@idwr.idaho.gov
deborah.gibson@idwr.idaho.gov

William Parsons
Parsons Smith Stone Loveland & Shirley LLP
P.O. Box 910
137 W. 13th St.
Burley, Idaho 83318
wparsons@pmt.org



Travis L. Thompson

Exhibit A

MITIGATION AGREEMENT

THIS AGREEMENT is entered into by and between SOUTHWEST IRRIGATION DISTRICT and GOOSE CREEK IRRIGATION DISTRICT (hereinafter collectively referred to as "SWID"), Idaho irrigation districts, and A&B IRRIGATION DISTRICT ("A&B"), an Idaho irrigation district, AMERICAN FALLS RESERVOIR DISTRICT #2 ("AFRD #2"), an Idaho reservoir district, BURLEY IRRIGATION DISTRICT ("BID"), an Idaho irrigation district, MILNER IRRIGATION DISTRICT ("Milner"), an Idaho irrigation district, MINIDOKA IRRIGATION DISTRICT ("MID"), an Idaho irrigation district, NORTH SIDE CANAL COMPANY ("NSCC"), an Idaho non-profit corporation, and TWIN FALLS CANAL COMPANY ("TFCC"), an Idaho non-profit corporation (hereinafter collectively referred to as "Surface Water Coalition", "Coalition", or "SWC") (together both sets of parties hereinafter referred to as "Parties").

RECITALS

WHEREAS, the Surface Water Coalition has an outstanding delivery call against hydraulically connected junior ground water rights on the Eastern Snake Plain Aquifer ("ESPA") (IDWR Docket No. CM-DC-2010-001); and

WHEREAS, SWID filed a mitigation plan with the Idaho Department of Water Resources ("IDWR") on May 28, 2010 in reference to the Surface Water Coalition's water delivery call; and

WHEREAS, IDWR published notice of the plan and processed it under Rule 43 of the *Rules for Conjunctive Management of Surface and Ground Water Resources* (IDAPA 37.03.11 *et seq.*) and the SWC filed a protest to SWID's plan on July 9, 2010; and

WHEREAS, the Parties negotiated and eventually entered into an *Interim Mitigation Agreement* for the years 2013-2015; and

WHEREAS, the Director approved the agreement by final order on November 25, 2013; and

WHEREAS, the Parties subsequently extended the agreement for the years 2016 and 2017, which extensions were also approved by the Director; and

~~WHEREAS, since that time the Parties have been gathering additional groundwater data within SWID's boundary in Twin Falls and Cassia Counties; and~~

WHEREAS, the Parties seek to enter into a perpetual term agreement and wish to delineate their agreement in writing as follows.

COVENANTS

NOW THEREFORE, in consideration of the recitals, the mutual covenants, representations and warranties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **SWID Aquifer Mitigation Actions.** SWID agrees to undertake the following aquifer mitigation actions during the years 2018-2026 to meet the groundwater level benchmarks and the groundwater level goal set forth in Paragraph 6:

a. **Recharge:**

i.	Cottonwood	=	800 acre-feet
ii.	Dry Creek	=	800 acre-feet
iii.	Murtaugh	=	450 acre-feet
iv.	West Cassia Pipeline	=	2,500 acre-feet
v.	New Pipeline	=	<u>2,000 acre-feet</u>
Total			6,550 acre-feet

b. **Conversions:** SWID will provide surface water to convert, in total or in part, approximately 30,000 groundwater irrigated acres within SWID's boundary. The approximate volume delivered for the conversions is identified as follows:

i.	Burley Irrigation District	=	23,100 acre-feet
ii.	Milner Irrigation District	=	12,630 acre-feet
iii.	Twin Falls Canal Company	=	6,500 acre-feet
iv.	West Cassia Pipeline	=	12,120 acre-feet
v.	New Pipeline	=	<u>10,000 acre-feet</u>
Total			64,350 acre-feet

c. **Voluntary Curtailment:** In addition to the foregoing, SWID will voluntarily curtail all groundwater use on an additional 2,378 acres within SWID's boundary (to be identified and reported by SWID on an annual basis by May 1st).

3. **Irrigation Season.** Landowners within SWID further agree to not turn on and irrigate with any groundwater prior to April 1st or after October 31st within a given irrigation season.

4. **Alternative Mitigation.** As an alternative to providing mitigation water directly to SWC, SWID shall annually pay, on or before May 1st, Sixty-Five Thousand and No/Dollars (\$65,000.00) to be deposited into a trust account held for the benefit of SWC to be used for projects or actions to stabilize and/or enhance groundwater levels in the ESPA and benefit reach gains to the Snake River.

5. **Safe Harbor.** In exchange for the mitigation identified in Paragraphs 1-3 above, and provided SWID implements the Agreement as stated, SWC agrees that junior priority ground water rights held by SWID members (located within the project boundaries of the Southwest Irrigation District and Goose Creek Irrigation District and in good standing with each irrigation district) shall not be subject to curtailment in response to SWC's delivery call or any curtailment order issued by IDWR or any district court for the SWC delivery call during the term of this Agreement.

6. **Mitigation Plan Agreement.** To the extent deemed necessary by IDWR or any district court, this Agreement shall constitute an agreement on an acceptable mitigation plan identified in Rule 43.03.o of the *Rules for Conjunctive Management of Surface and Ground Water Resources* (IDAPA 37.03.11 *et seq.*).

7. **Groundwater Level Goals.** The Coalition seeks to sustain ground water levels, reach gains, and spring flows in the American Falls reach for purposes of maintaining a sufficient water supply for the irrigation of its members' projects. The Parties seek to stabilize and ultimately reverse the trend of declining groundwater levels in the SWID boundary and return ground water levels in that area to a level equal to the average of the groundwater levels from 1991-2001. A preliminary list of eighteen (18) wells has been agreed to by the Parties, recognizing that the list may be modified based on additional technical information. The list and groundwater level index for measuring the benchmarks and goal is attached hereto as Ex. A. The following benchmarks shall be established:

- a. Stabilization of groundwater levels at the identified wells by April 2020, to the 2015 groundwater levels (spring groundwater level readings);
- b. Increase groundwater levels by April 2023 to a point halfway to the groundwater level goal;
- c. Increase groundwater levels at the identified wells by April 2026 to the groundwater level goal (average of 1991-2001) and sustained thereafter.

When the groundwater level goal is achieved for a five-year rolling average, the actions identified in Paragraph 1 above may be reduced or removed, so long as the ground water level goal is sustained. If any of the benchmarks, or the groundwater level goal, is not achieved, adaptive measures will be identified and implemented pursuant to Paragraph 8 below.

8. **Adaptive Water Management Measures.** If any of the benchmarks or the groundwater level goal is not met, additional recharge, conversions, consumptive use reductions, or other measures as recommended by the Parties shall be implemented by SWID to meet the benchmarks or the groundwater level goal.

9. **Implementation of Agreement.** The Parties agree to take any and all actions necessary to ensure this Agreement is implemented to the satisfaction of the Parties, including filing necessary documents with the Director for approval for the initial review term (years 2018-2026), and compliance with any requirements of the Water District 01 and 140 Watermasters. The Parties further agree to jointly support and defend the implementation of the Agreement

including ensuring that IDWR does not improperly credit other junior ground water users, not covered by this Agreement, for any mitigation obligations that they incur pursuant to the SWC Delivery Call.

10. **Term.** This is a perpetual agreement.

11. **Steering Committee.** The Parties will establish a steering committee to meet at least once annually. The committee will review progress on the actions taken by SWID (set forth in Paragraph 1), the annual groundwater level measurements, and the progress in meeting the benchmarks and goal. The committee will develop an adaptive management plan for responding to changes in groundwater levels in the SWID boundary and reach gain trends in the American Falls reach (Near Blackfoot to Milner) of the Snake River.

12. **Representations.** The Parties have the full legal right, power and authority to enter into and perform this Agreement.

13. **Attorneys' Fees.** In any suit, action or appeal therefrom, to enforce this Agreement or any term or provision hereof, or to interpret this Agreement, the prevailing Party shall be entitled to recover all its costs reasonably incurred therein (and on appeal), including reasonable attorneys' fees.

14. **Duty of Good Faith.** Each of the Parties to this Agreement agrees to perform and execute this Agreement in accordance with the highest standards of good faith, honesty in fact, and fair dealing. Accordingly, the Parties agree to cooperate fully and execute any and all supplemental documents and take any and all additional actions which may be necessary or appropriate to give full force and effect to the terms and intent of this Agreement.

15. **Entire Agreement.** This is the entire agreement of the Parties with respect to matters covered hereby and supersedes all prior agreements between them, written or oral. This Agreement may be modified only in writing, signed by the Parties.

16. **Counterparts.** This Agreement may be executed in any number of counterparts for the convenience of the Parties, all of which, when taken together and after execution by all Parties hereto, shall constitute one and the same Agreement.

17. **Idaho Law.** This agreement shall be governed by the laws of the State of Idaho.

18. **Severability.** The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision hereof.

19. **Captions to Paragraphs.** The captions to the paragraphs of this Agreement are for convenience only and shall not be deemed to enlarge, diminish, explain or in any manner affect the meaning of such paragraphs.

20. **Binding Contract.** This Agreement shall be binding upon and inure to the benefit of the heirs, personal representative, administrators, successors, and assigns of the Parties

hereto.

21. **Effective Date.** The Effective Date of this Agreement shall be the date when both Parties have approved and executed the Agreement.

IN WITNESS WHEREOF, the undersigned have duly executed this Agreement.

DATED this 28 day of November, 2017.

SOUTHWEST IRRIGATION DISTRICT

Randy Brown
Randy Brown, Chairman

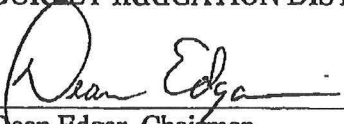
DATED this 28 day of November, 2017.

GOOSE CREEK IRRIGATION DISTRICT

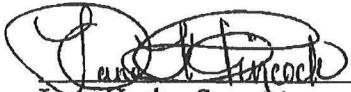

Noland Critchfield, Chairman

DATED this 12th day of December, 2017.

BURLEY IRRIGATION DISTRICT



Dean Edgar, Chairman

ATTEST:

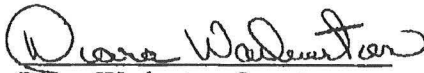

Lana Hanks, Secretary
Hanks

DATED this 11 day of December, 2017.

A&B IRRIGATION DISTRICT


Harold Mohlman, Chairman

ATTEST:


Diana Warburton, Secretary

DATED this 1st day of 12, 2017.

AMERICAN FALLS RESEVOIR DISTRICT #2

Ellis Gooch
Ellis Gooch, Chairman

ATTEST:

Mark Sabala
~~John Arkoosh~~, Secretary
MARK SABALA

DATED this 13th day of DECEMBER 2017.

MILNER IRRIGATION DISTRICT


Scott Breeding, Chairman

ATTEST:


Walt Mullins, Secretary

DATED this 12th day of December, 2017.

MINIDOKA IRRIGATION DISTRICT


Ron Kowitz, Chairman

ATTEST:


Ruth Bailes, Secretary

DATED this 15 day of December 2017.

NORTH SIDE CANAL COMPANY

John Beukers
John Beukers, Chairman

ATTEST:

Alan W. Hansten
Alan Hansten, Secretary

DATED this 12th day of December 2017.

TWIN FALLS CANAL COMPANY

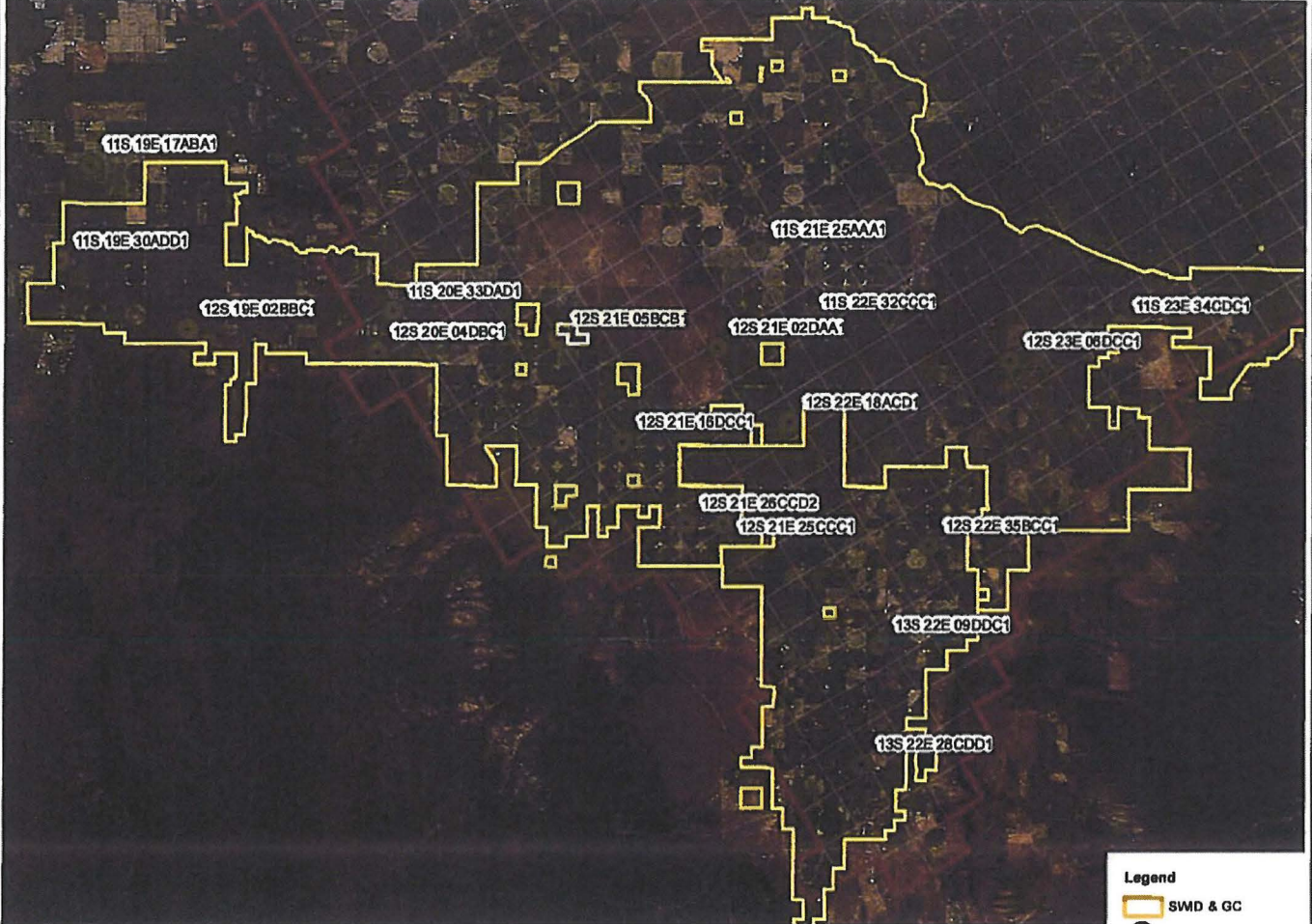

Dan Shewmaker, Chairman

ATTEST:


Rick Pearson, Secretary

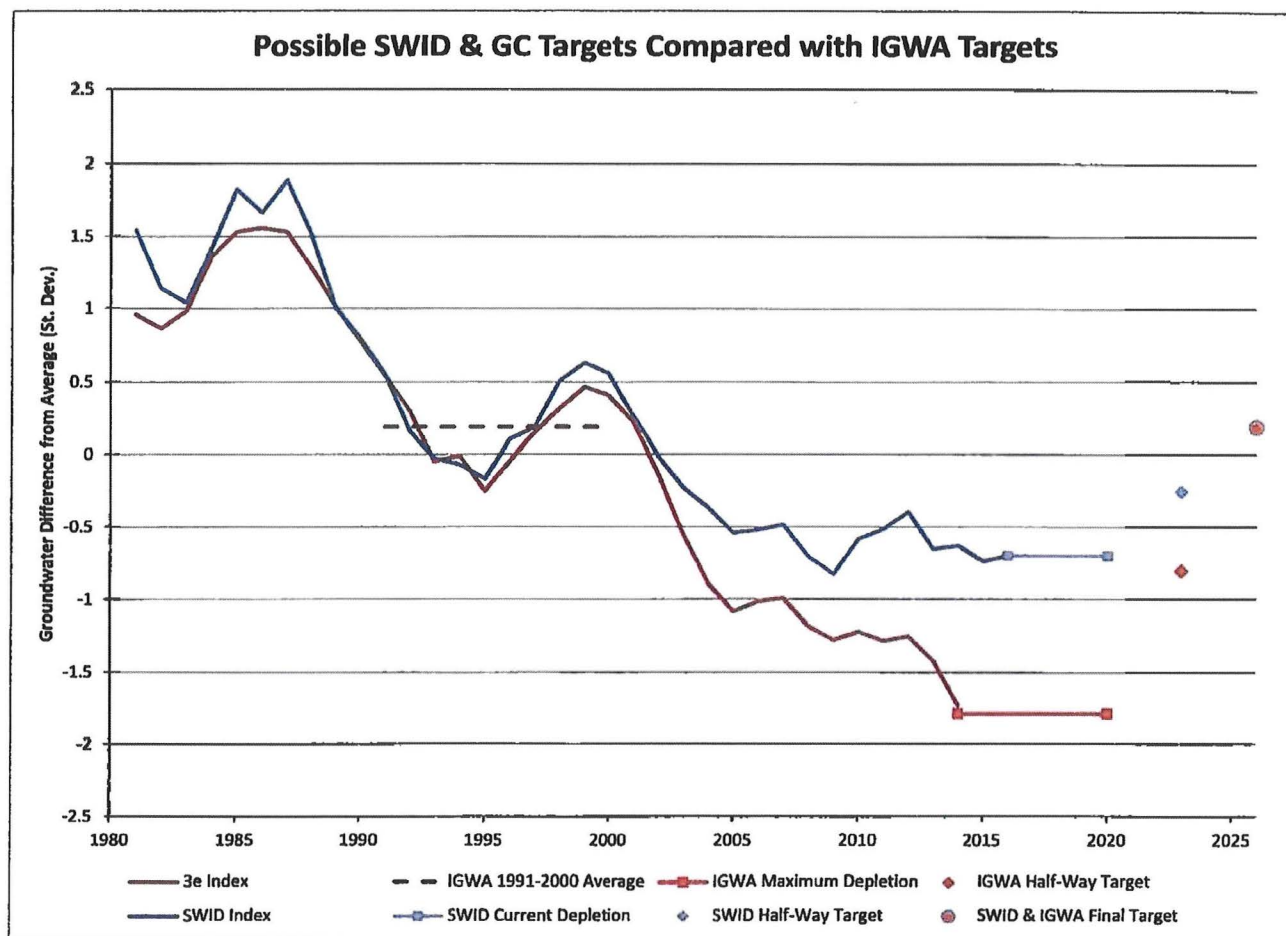
Exhibit A

Path: F:\Projects\Surface Water Coalition\Arcview 9 SWD\observation wells swd.mxd



N
1 inch = 17,000 feet
BROCKWAY ENGINEERING, PLLC
GEP - JAN. 12, 2017

SWID & GC GROUNDWATER LEVELS
SURFACE WATER COALITION
2015 NAIP AERIAL PHOTOGRAPH



LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Regular Session - 2019

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 10

BY RESOURCES AND CONSERVATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING THE 2018 SETTLEMENT AGREEMENT BETWEEN THE CITIES, THE SURFACE WATER COALITION, AND MEMBERS OF IDAHO GROUND WATER APPROPRIATORS TO RESOLVE LITIGATION, AVOID CURTAILMENT, MAINTAIN SUSTAINABLE GROUND AND SURFACE WATER SUPPLIES ON THE EASTERN SNAKE PLAIN AQUIFER, AND MINIMIZE HARM TO IDAHO'S ECONOMY, SUPPORTING STATE MANAGEMENT THROUGH THE EASTERN SNAKE PLAIN AQUIFER GROUND WATER MANAGEMENT AREA TO ENSURE THAT EASTERN SNAKE PLAIN AQUIFER WATER SUPPLY ISSUES ARE TIMELY ADDRESSED, AND SUPPORTING THE CONTINUED FUNDING AND IMPLEMENTATION OF EFFORTS TO SATISFY THE GOAL OF STABILIZING AND REVERSING THE TREND OF DECLINING WATER LEVELS IN THE EASTERN SNAKE PLAIN AQUIFER.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Senate Concurrent Resolution No. 138 was adopted during the 2016 legislative session, supporting the settlement agreement entered into on June 30, 2015, between participating members of the Surface Water Coalition (SWC) and participating members of the Idaho Ground Water Appropriators (IGWA) to avoid potential curtailment, to take actions to maintain sustainable ground and surface water supplies on the Eastern Snake Plain Aquifer (ESPA), and minimize harm to Idaho's economy; and

WHEREAS, in November 2016, the director of the Department of Water Resources designated the ESPA Ground Water Management Area (GWMA); and

WHEREAS, the ESPA cities opposed designation of the GWMA; and

WHEREAS, in 2018, the cities entered into a settlement agreement with IGWA and SWC, with the agreement covering ESPA municipal pumping; and

WHEREAS, key provisions of the agreement are that the cities will provide aquifer enhancement activities and the participating cities, in turn, will have safe harbor from SWC and IGWA delivery calls for up to 35 years; and

WHEREAS, as part of the agreement, participating cities will withdraw opposition to GWMA designation and will support continued funding of state-sponsored efforts to further the goal of stabilizing and reversing the water level declines in the ESPA.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho supports the 2018 settlement agreement between the cities, the SWC, and members of the IGWA to resolve litigation, avoid curtailment, maintain sustainable ground and surface water supplies on the ESPA, and minimize harm to Idaho's economy.

BE IT FURTHER RESOLVED that the State of Idaho supports state management through the ESPA GWMA to ensure ESPA water supply issues are timely addressed and supports continued funding and implementation of efforts to satisfy the goal of stabilizing and reversing the trend of declining water levels in the Eastern Snake Plain Aquifer.

AGREEMENT

This Agreement is made this 7th day of October, 2015, by and between A&B Irrigation District ("A&B") and the Idaho Ground Water Appropriators, Inc., Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Carey Valley Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, Magic Valley Ground Water District, North Snake Ground Water District, and Fremont-Madison Irrigation District (referred to collectively herein as the "Ground Water Districts").

RECITALS

WHEREAS, all members of the Surface Water Coalition, except A&B Irrigation District, and all eight Ground Water Districts and Fremont-Irrigation District, executed the *Settlement Agreement* (Ex. A) by August 1, 2015; and

WHEREAS, disputes have arisen concerning the scope of A&B's participation in the *Settlement Agreement*; and

WHEREAS, the parties wish to address and resolve these issues in this Agreement.

COVENANTS

NOW THEREFORE, in consideration of the above recitals and the mutual agreements contained herein, the parties agree as follows:

1. **Incorporation of Recitals.** The Recitals set forth above are an integral part of this *Agreement* and are fully incorporated herein by this reference.
2. **A&B Irrigation District Surface Water Delivery Call.** A&B agrees to participate in the *Settlement Agreement* as a surface water right holder only. The obligations of the Ground Water Districts set forth in Paragraphs 2 – 4 of the *Settlement Agreement* do not apply to A&B and its ground water rights. A&B agrees to not make a surface water delivery call against junior-priority ground water rights held by participating members of the Ground Water Districts as set forth in Paragraph 6 of the *Settlement Agreement*.
3. **A&B Irrigation District Ground Water Delivery Call.** A&B further agrees to not make a ground water delivery call against junior-priority ground water rights held by participating members of the Ground Water Districts.
4. **A&B Irrigation District "Soft Conversions."** A&B agrees to implement approximately 3,000 acres of "soft conversions" within its project. A&B has already developed approximately 1,500 acres and is currently in the process of developing an additional 1,500 acres to receive water through a new pumping plant and pipeline project to be completed in the future.

5. **Ground Water Districts' Implementation of Settlement Agreement.** The safe harbor identified above is conditioned upon the Ground Water Districts implementing the *Settlement Agreement* in accordance with its terms.

6. **Ground Water Districts' Delivery Calls.** The safe harbor provided by A&B above shall be null and void against any Ground Water District and/or against any participating member of a Ground Water District that files a surface or ground water delivery call against A&B's ground water rights.

7. **Ground Water Recharge Projects.** A&B and the Ground Water Districts agree to cooperate and work together to identify and implement recharge projects within or near A&B's irrigation project that benefit aquifer levels, and the sentinel wells identified in the *Settlement Agreement*.

8. **Binding Effect.** This Agreement shall bind and inure to the benefit of the respective successors of the parties.

9. **Entire Agreement.** This Agreement sets forth all understandings between the parties. There are no other understandings, covenants, promises, agreements, conditions, either oral or written between the parties other than those contained herein. The parties expressly reserve all rights not settled by this Agreement.

10. **Effect of Headings.** Headings appearing in this Agreement are inserted for convenience and reference and shall not be construed as interpretations of the text.

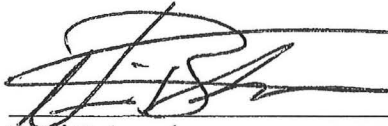
The parties have executed this Agreement on the date following their respective signatures.

A&B IRRIGATION DISTRICT

 10-12-15
Harold Mohlman Date
Chairman

IDAHO GROUNDWATER APPROPRIATOR'S, INC.:

ABERDEEN-AMERICAN FALLS GROUND WATER DISTRICT


Nick Behrend
Chairman

10-7-15
Date

BINGHAM GROUND WATER DISTRICT

Craig Evans Oct 8, 2015
Craig Evans Date
Chairman

BONNEVILLE-JEFFERSON GROUND WATER DISTRICT

Dane Watkins
Chairman

Date

CAREY VALLEY GROUND WATER DISTRICT

Leta Hansen 10/7/15
Leta Hansen Date
Chairman

JEFFERSON CLARK GROUND WATER DISTRICT

 10/13/15
Kirk Jacobs Date
Chairman


MADISON GROUND WATER DISTRICT

Jason Webster 10-19-15

Jason Webster
Chairman

Date

MAGIC VALLEY GROUND WATER DISTRICT

 10/7/2015

Dean Stevenson Date
Chairman



NORTH SNAKE GROUND WATER DISTRICT



Lynn Carlquist
Chairman

10/7/2015
Date

FREEMONT MADISON IRRIGATION DISTRICT

 
Dale L. Swenson Jeff Raybould Date
Manager Chairman

Appendix J – Background on ESPA Recharge

Background ESPA Aquifer Recharge

Managed aquifer recharge has been studied as a water management strategy for the ESPA as far back as 1962 when the U.S. Bureau of Reclamation issued a report on the topic. Various studies and pilot projects proceeded over the years prior to establishment of a full-scale program by the State of Idaho. In 1980, a water right permit for recharge was issued from the Snake River to the Lower Snake River Aquifer Recharge District. This permit was later transferred to the Idaho Water Resource Board (IWRB). In 1998, the IWRB filed 20 water right applications for recharge from the Snake River at various locations.

In 1999, the IWRB and Department of Water Resources issued a report titled "Feasibility of Large-Snake Managed Recharge of the Eastern Snake Plain Aquifer System." This report evaluated various scenarios for implementing a recharge program of the ESPA.

In 2007, IDWR issued the water right license for the Milner Hydropower Plant. This decision confirmed that hydropower generation at the Milner Hydropower Plant was subordinate to recharge diversions at or upstream of Milner. Prior to this decision, there were conflicting provisions in the Milner Hydropower water right permit and the 1980-priority recharge permit regarding which water use would have priority for the available water supply.

Recharge and the ESPA CAMP

At the request of the legislature, the IWRB began work on a Comprehensive Aquifer Management Plan (CAMP) for the ESPA in 2006. In 2009 the IWRB issued the Comprehensive Aquifer Management Plan (ESPA CAMP) after three years of work and deliberations by the IWRB, its advisory committee, and technical experts. The ESPA CAMP was approved by the Legislature and included as part of the State Water Plan through HB 264 in 2009. The CAMP set the framework for how managed aquifer recharge fits within a management program for the ESPA.

The goal of the ESPA CAMP is to stabilize and recover aquifer levels, which in turn would stabilize and recover spring flows from the ESPA to the Snake River, including those spring flows from the Thousand Springs that provide the river flows to meet the minimum flows established at the Murphy gaging Station under the Swan Falls Agreement.

The ESPA CAMP adopted a two-phase approach for managed recharge goals, based on anticipated program development schedules:

- 1) The Phase 1 (years 1-10) goal for managed recharge was 100,000 acre-feet on an average annual basis, and
- 2) The long-term goal for managed recharge (beyond year 10) was 250,000 acre-feet on an average annual basis.

It is important to note that in 2016 the legislature accelerated the timeline through SCR136.

Appendix K – Recharge and the Swan Falls Re-Affirmation Agreement

Recharge and the Swan Falls Re-Affirmation Agreement

Following adoption of the ESPA CAMP by the legislature and its incorporation into the State Water Plan, the State of Idaho and the Idaho Power Company entered in to the Swan Falls Re-Affirmation Agreement. The Re-Affirmation Agreement also included a Memorandum of Agreement specific to managed recharge. The Memorandum of Agreement incorporated the goals of the CAMP, and, based on the CAMP targets, placed limits on the State's managed recharge program of:

- 1) An average annual volume of 175,000 acre-feet through January 1, 2019, and
- 2) An average annual volume of up to 250,000 acre-feet thereafter.

Any changes to these targets would require legislative approval. The Memorandum of Agreement also requires the IWRB to cooperate with Idaho Power in rate proceedings before the Public Utilities Commission if managed recharge affects power rates. Pursuant to the Re-Affirmation Agreement, Idaho Code 42-1737 was modified to require IWRB approval of managed recharge projects by others meeting a certain threshold. The managed recharge Memorandum of Agreement was signed by Idaho Power, the Governor, and the IWRB.

It is important to note that the Legislature provided approval to accelerate the timeline in the managed recharge Memorandum of Agreement through passage of Senate Concurrent Resolution 136 in 2016.

Appendix L – Recharge and SCR 136

Recharge and Senate Concurrent Resolution 136 (2016)

In 2016 the Legislature passed SCR136. SCR136 did three things:

- 1) Directed the IWRB develop a managed aquifer recharge program for the ESPA of 250,000 acre-feet on an average annual basis,
- 2) Directed the IWRB to develop the needed capacity by 2024, and
- 3) Provided approval to increase the Phase 1 CAMP managed recharge goal from 100,000 acre-feet to 250,000 acre-feet on an average annual basis prior to 2019.

See appendix G for a copy of SCR136.