

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF MOUNTAIN HOME AIR
FORCE BASE SUSTAINABLE WATER SUPPLY
PROJECT

RESOLUTION TO EXTEND THE SNAKE RIVER
WATER RIGHTS BENEFICIAL USE DEADLINE

1 WHEREAS, the Idaho Water Resource Board ("Board") is a constitutional agency of the State of
2 Idaho and empowered by Idaho Code §42-1734 to acquire, purchase, lease or exchange land, rights, water
3 rights, easements, franchises and other property deemed necessary or proper for construction, operation
4 and maintenance of water projects, and

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6 WHEREAS, the Mountain Home Air Force Base ("Base"), as well as surrounding agricultural wells
7 and municipal wells, draw their supply from the Mountain Home Aquifer; and

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9 WHEREAS, the Idaho Department of Water Resources ("IDWR") estimates that the rate of
10 withdrawal from the Mountain Home Aquifer exceeds the rate of natural recharge to the aquifer and, due
11 to declining ground water levels, IDWR established the Cinder Cone Butte Critical Ground Water Area in
12 1981 and the Mountain Home Ground Water Management Area in 1982; and

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14 WHEREAS, the State of Idaho recognizes the economic value of the Base to the local and state
15 economy and supports the United States Military in achieving its national security functions and has been
16 coordinating with the Military to develop a long-term sustainable water supply to support the Base and
17 its mission; and

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19 WHEREAS, House Bill 479 passed and approved by the 2014 Idaho legislature allocated \$4 million
20 in one-time funds for acquisition of senior priority Snake River water rights to supply the Base; and

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22 WHEREAS, on July 25, 2014, a Water Right Purchase and Sale Agreement ("Agreement") was
23 executed between J.R. Simplot Company ("Simplot") and the Board through which the Board purchased
24 senior Snake River water rights 02-10300A, 02-10330B, and a portion of 02-10472 ("Water Rights") for
25 the purpose of obtaining a water supply for the Base; and

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27 WHEREAS, the portion of water right 02-10472 sold to the Board was subsequently renumbered
28 to 02-10506; and

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30 WHEREAS, the Agreement granted Simplot an option to re-acquire the Water Rights from the
31 Board ("Option") if the Board failed to divert the water under the Water Rights for the benefit of the Base
32 and put the Water Rights to beneficial use on the land owned by the United States of America and
33 reserved for the Base on or before January 1, 2021 ("Beneficial Use Deadline"); and

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35 WHEREAS, the Option may be exercised by Simplot up to and including February 1, 2021 ("Option
36 Period"), subject to extension; and

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38 WHEREAS, the Agreement authorized the Board to extend the Beneficial Use Deadline to February

39 1, 2026 by providing Simplot with written notice of extension on or before January 1, 2021. After receipt
40 of the Board's notice to extend the Beneficial Use Deadline, the Option Period shall be automatically
41 extended until February 1, 2026; and
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43 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes its chairman to issue written notice
44 to Simplot to extend the Beneficial Use Deadline to February 1, 2026.

DATED this 17th day of September, 2020.



ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST



VINCE ALBERDI, Secretary