

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF RIVERLAND TERRACE  
NONPROFIT WATER CORPORATION FUNDING  
REQUEST

RESOLUTION TO AUTHORIZE INCREASED  
FUNDING FOR NEW WATER MAIN LINE  
CONNECTION AND WELL ABANDONMENT

1 WHEREAS, the Riverland Terrace Nonprofit Water Corporation (Corporation) submitted a loan  
2 application to the Idaho Water Resource Board (IWRB) in the amount of \$190,000.00 for constructing a  
3 new main line water connection to the existing Suez water system, installation of water meters and fire  
4 hydrants, and abandoning the three existing ground water wells currently supplying domestic water to  
5 the residents of the Riverland Terrace Subdivision; and

6  
7 WHEREAS, the Corporation operates and maintains a delivery system to convey potable water  
8 to members in Boise, Ada County, for domestic use to the 29 residences in the Riverland Terrace  
9 Subdivision; and

10  
11 WHEREAS, based on quarterly water samples collected from Well No.1 in March, June,  
12 September, and December, 2018, tests revealed exceedance of the arsenic maximum contaminant level  
13 per the state's water quality standards; and

14  
15 WHEREAS, in March, 2019, the Corporation executed a Compliance Agreement with the Idaho  
16 Department of Environmental Quality (DEQ) that outlines the schedule and requirements that the  
17 Corporation will need to meet to achieve compliance with the arsenic maximum contaminant level as  
18 presented in the Idaho Rules for Public Drinking Water Systems; and

19  
20 WHEREAS, the proposed new water main connection to the Suez water system will benefit the  
21 Corporation and their members by providing a long-term, reliable domestic water supply system that  
22 will comply with the state's water quality standards; and

23  
24 WHEREAS, the total estimated cost for the Corporation's domestic water system project was  
25 originally estimated to be \$200,000.00; and

26  
27 WHEREAS, project construction costs have increased since the time of the original loan  
28 approval, and are now estimated to be approximately \$210,000.

29  
30 WHEREAS, the Corporation has requested from the IWRB, an increase to its existing loan in the  
31 amount of \$46,000 to cover increased construction costs and provide for project contingencies.

32  
33 WHEREAS, upon completion of the project, which includes the abandonment of the  
34 Corporation's domestic water supply system, the Corporation will be dissolved; and

35 WHEREAS, the Corporation is a qualified applicant and the proposed project qualifies for a loan  
36 from the IWRB'S Revolving Development Account; and

38 WHEREAS, the proposed project is in the public interest and is in compliance with the State  
39 Water Plan.

40  
41 NOW THEREFORE BE IT RESOLVED that the IWRB approves an increase in the existing loan of  
42 \$190,000 to an amount not to exceed \$236,000 from the Revolving Development Account at 3.5%  
43 interest with a 20-year repayment term and provides authority to the Chairman of the Idaho Water  
44 Resource Board, or his designee, to modify existing contracts with the Corporation on behalf of the  
45 IWRB. The 20-year term of the loan will remain effective as of April 2020, with obligation of funds and  
46 payment requirements as outlined in Condition No.3 below.

47  
48 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution and the approval of the loan are  
49 subject to the following conditions:

- 50  
51 1) The Corporation shall comply with all applicable rules and regulations that apply to the  
52 proposed project.  
53 2) The Corporation will maintain all existing securities currently under contract of its existing  
54 loan with the IWRB including, but not limited to, the Corporation's water rights and  
55 facilities, portion of Lots 1 and 2, Block 1, Riverland Terrace Subdivision (Well Lot No.1), Lot  
56 16, Block 1, Riverland Terrace Subdivision (Well Lot No.2), and Lot 64, Block 4, Riverheights  
57 Subdivision No.5 (Well Lot No.3).  
58 3) The Corporation shall maintain funds in its reserve account in an amount equal to one  
59 annual payment.  
60 4) The Corporation shall obtain approval from its members for the loan modification request.  
61 5) The Corporation, upon project completion, shall sell well Lots 1, 2, and 3, and the associated  
62 well pumping equipment. The Corporation shall use the revenue generated from the sale of  
63 the well lots and equipment to fully repay the IWRB loan.

DATED this 13<sup>th</sup> day of October, 2020.

  
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ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST   
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VINCE ALBERDI, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF PUBLISHING IDAHO  
WATER RESOURCE BOARD PENDING FEE  
RULES

RESOLUTION TO PUBLISH THE IDAHO  
WATER RESOURCE BOARD'S CURRENT  
PROPOSED FEE RULES AS PENDING FEE  
RULES

1 WHEREAS, the Idaho Water Resource Board ("IWRB") is the executive branch entity with  
2 either sole or shared statutory oversight and authority over nine chapters of Administrative Fee  
3 Rules in IDAPA 37, including: IDAPA 37.01.01 Rules of Procedure of the IDWR; IDAPA 37.02.03  
4 Water Supply Bank Rules; IDAPA 37.03.03 Rules and Minimum Standards for the Construction  
5 and Use of Injection Wells; IDAPA 37.03.04 Drilling for Geothermal Resources Rules; IDAPA  
6 37.03.05 Mine Tailings Impoundment Structures Rules; IDAPA 37.03.06 Safety of Dams Rules;  
7 IDAPA 37.03.07 Stream Channel Alteration Rules; IDAPA 37.03.09 Well Construction Standards  
8 Rules; and IDAPA 37.03.10 Well Driller Licensing Rules; and  
9

10 WHEREAS, as a precautionary measure to ensure the continuity of administrative rules  
11 following the adjournment of the 2020 Legislative session, the IWRB adopted its Pending fee  
12 rules as temporary rules on February 19, 2020, to conditionally become effective in the event the  
13 2020 Idaho Legislature adjourned without reauthorizing its administrative fee rules; and  
14

15 WHEREAS, the Idaho 2020 Legislature adjourned *sine die* on March 20, 2020, without  
16 passing a concurrent resolution approving any of the IWRB's pending fee rules; and  
17

18 WHEREAS, because the 2020 Legislature adjourned without passing a concurrent  
19 resolution approving any of the IWRB's fee rules, the IWRB's temporary fee rules adopted on  
20 February 19, 2020, became effective on March 20, 2020, and remain in effect until *sine die* of the  
21 2021 Legislative Session; and  
22

23 WHEREAS, the Division of Financial Management ("DFM") published the IWRB's  
24 temporary fee rules as Docket No. 37-0000-2000F, on April 15, 2020, in the Idaho Administrative  
25 Bulletin Vol. 20-4SE (pages 1961-2167); and  
26

27 WHEREAS, on July 30, 2020, DFM directed all state executive agencies to take their  
28 temporary fee rules proposed, and later pending, and submit them for 2021 legislative review as  
29 an omnibus fee rulemaking; and  
30

31 WHEREAS, the IWRB passed resolution number 13-2020 on August 17, 2020, adopting its  
32 temporary fee rules as proposed fee rules and authorizing the notice and republication of the  
33 proposed fee rules; and  
34

35 WHEREAS, all of the IWRB's and the Idaho Department of Water Resources' ("IDWR")  
36 temporary fee rules were published as proposed fee rules on September 16, 2020, in Special  
37 Administrative Bulletin Vol. 20-9SE; and  
38

39 WHEREAS, no requests for public hearing or written comments as authorized in Idaho  
40 Code Section 67-5222 were received by IDWR in relation to the publication of Special  
41 Administrative Bulletin Vol. 20-9SE; and  
42

43 WHEREAS, on September 28, 2020, DFM further directed all boards and commissions with  
44 vested rulemaking authority to follow their normal processes to take their proposed fee rules to  
45 pending fee rules; and  
46

47 WHEREAS, the IWRB's rules implement the duly enacted laws of the state of Idaho,  
48 provide citizens with the detailed rules and standards for complying with those laws, and assist  
49 in the orderly execution and enforcement of those laws; and  
50

51 WHEREAS, the expiration of the IWRB's rules without due consideration and processes  
52 would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them  
53 of the benefit intended by these rules; and  
54

55 WHEREAS, the Governor has also found that the fee(s) or charge(s) imposed or increased  
56 are justified and necessary to avoid immediate danger to the budget of IDWR, to the state  
57 budget, to necessary state functions, and services, and to avoid immediate danger of a potential  
58 violation of Idaho's constitutional requirement that it balance its budget;  
59

60 NOW, THEREFORE BE IT RESOLVED that the IWRB adopts the following fee rules as  
61 pending rules and that they be adopted as published on September 16, 2020, in the Idaho  
62 Administrative Bulletin Vol. 20-9SE:

- 63 • 37.01.01, *(Rules of Procedure of the Idaho Department of Water Resources);*
- 64 • 37.02.03, *(Water Supply Bank Rules);*
- 65 • 37.03.03, *(Rules and Minimum Standards for the Construction and Use of Injection*  
66 *Wells);*
- 67 • 37.03.04, *(Drilling for Geothermal Resources Rules);*
- 68 • 37.03.05, *(Mine Tailings Impoundment Structures Rules);*
- 69 • 37.03.06, *(Safety of Dams Rules);*
- 70 • 37.03.07, *(Stream Channel Alteration Rules);*
- 71 • 37.03.09, *(Well Construction Standards Rules); and*
- 72 • 37.03.10, *(Well Driller Licensing Rules).*

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NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes the notice and republication of the above referenced fee rules as pending fee rules.

DATED this 13 day of October, 2020.



ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST



VINCE ALBERDI, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE MP31 RECHARGE SITE  
BLM ROAD EMBANKMENT CONSTRUCTION

RESOLUTION TO APPROVE FUNDS FROM THE  
SECONDARY AQUIFER PLANNING,  
MANAGEMENT, AND IMPLEMENTATION  
FUND AND PROVIDE SIGNATORY AUTHORITY

1 WHEREAS, the Eastern Snake Plain Aquifer (ESPA) has been losing approximately 216,000 acre-  
2 feet annually from aquifer storage since the 1950's resulting in declining ground water levels in the aquifer  
3 and reduced spring flows to the Snake River; and  
4

5 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates \$5 million from  
6 the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary Aquifer Planning, Management,  
7 and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and  
8

9 WHEREAS, Senate Bill 1402 passed and approved by the 2016 Legislature allocated \$5 million in  
10 ongoing General Fund dollars and \$2.5 million in Economic Recovery Reserve Funds to the IWRB's  
11 Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization; and  
12

13 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136  
14 directing the IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed  
15 recharge to the ESPA by December 31, 2024; and  
16

17 WHEREAS, the IWRB obtained a right-of-way grant (IDI-32771) on September 2009 from the  
18 United States Department of the Interior, Bureau of Land Management (BLM) to construct, operate, and  
19 maintain a water facility for recharging the aquifer on public lands; and  
20

21 WHEREAS, since 2014 the IWRB, in partnership with American Falls Reservoir District No. 2, has  
22 constructed, operated, and maintain the Mile Post 31 Recharge Site on BLM right-of-way IDI-32771; and  
23

24 WHEREAS, the right-of-way grant IDI-32771 under Exhibit A, Stipulations 13 states "Holder shall  
25 maintain the right-of-way in a safe, usable condition, as directed by the authorized officer." and under  
26 Stipulations 16 states "The holder shall permit free and unrestricted public access to and upon the right-  
27 of-way for all lawful purposes except for those specific areas designated as restricted by the authorized  
28 officer to protect the public, wildlife, livestock, or facilitates constructed within the right-of-way."; and  
29

30 WHEREAS, on May 4, 2000, the BLM requested that public access not be restricted (a road that  
31 crosses a portion of the MP31 recharge site) and other uses of the land not be impacted as stipulated in  
32 right-of-way grant IDI-32771; and  
33

34 WHEREAS, on May 28, 2020, the IWRB adopted Resolution 9-2020, the Secondary Aquifer Fund  
35 Fiscal Year 2020 Budget, which included \$500,000 for the development of additional ESPA Managed  
36 Recharge Infrastructure Projects; and  
37

38 WHEREAS, on September 4, 2020, Quadrant Consulting Inc. provided sixty percent design  
39 documents and an associated construction cost estimate of \$310,000 for the required infrastructure to



40 protect the BLM road;  
41

42 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures not to exceed \$320,000  
43 from the Secondary Aquifer Fund for the development of an embankment to keep water from the MP31  
44 recharge site off of the BLM road (\$310,000) and to support reestablishing fencing that will assist in  
45 keeping people and livestock out of the recharge site when it is in operation (\$10,000); and  
46

47 NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes its chairman or designee, Brian  
48 Patton, Executive Officer to the IWRB, to execute the necessary agreements or contracts to complete the  
49 MP31 Recharge Site embankment.

DATED this 13th day of October, 2020.

  
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ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST

  
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VINCE ALBERDI, Secretary