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

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

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

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

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

WHEREAS, the total estimated cost for the Corporation’s domestic water system project was originally estimated to be $200,000.00; and

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

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

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

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

Resolution No. 16-2020
WHEREAS, the proposed project is in the public interest and is in compliance with the State Water Plan.

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

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

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

DATED this 13th 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 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

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

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

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

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

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

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

WHEREAS, the IWRB passed resolution number 13-2020 on August 17, 2020, adopting its temporary fee rules as proposed fee rules and authorizing the notice and republication of the proposed fee rules; and
WHEREAS, all of the IWRB’s and the Idaho Department of Water Resources’ (“IDWR”) temporary fee rules were published as proposed fee rules on September 16, 2020, in Special Administrative Bulletin Vol. 20-9SE; and

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

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

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

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

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

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

• 37.01.01, (Rules of Procedure of the Idaho Department of Water Resources);
• 37.02.03, (Water Supply Bank Rules);
• 37.03.03, (Rules and Minimum Standards for the Construction and Use of Injection Wells);
• 37.03.04, (Drilling for Geothermal Resources Rules);
• 37.03.05, (Mine Tailings Impoundment Structures Rules);
• 37.03.06, (Safety of Dams Rules);
• 37.03.07, (Stream Channel Alteration Rules);
• 37.03.09, (Well Construction Standards Rules); and
• 37.03.10, (Well Driller Licensing Rules).
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
WHEREAS, the Eastern Snake Plain Aquifer (ESPA) has been losing approximately 216,000 acre-feet annually from aquifer storage since the 1950’s resulting in declining ground water levels in the aquifer and reduced spring flows to the Snake River; and

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

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

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

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

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

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

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

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

WHEREAS, on September 4, 2020, Quadrant Consulting Inc. provided sixty percent design documents and an associated construction cost estimate of $310,000 for the required infrastructure to...
NOW THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures not to exceed $320,000 from the Secondary Aquifer Fund for the development of an embankment to keep water from the MP31 recharge site off of the BLM road ($310,000) and to support reestablishing fencing that will assist in keeping people and livestock out of the recharge site when it is in operation ($10,000); and

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

DATED this 13th day of October, 2020.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

VINCE ALBERDI, Secretary