



# AGENDA

## IDAHO WATER RESOURCE BOARD

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**Board Meeting No. 10-21**

**Friday, July 23, 2021**

**8:00 a.m. (MST)**

Hilton Garden Inn

Snake River Ballroom / Zoom Online

1741 Harrison St. N

TWIN FALLS, ID

**Brad Little**  
*Governor*

**Jeff Raybould**  
*Chairman*  
St. Anthony  
At Large

**Roger W. Chase**  
*Vice-Chairman*  
Pocatello  
District 4

**Jo Ann Cole-Hansen**  
*Secretary*  
Lewiston  
At Large

**Dale Van Stone**  
Hope  
District 1

**Albert Barker**  
Boise  
District 2

**Dean Stevenson**  
Paul  
District 3

**Peter Van Der Meulen**  
Hailey  
At Large

**Brian Olmstead**  
Twin Falls  
At Large

**Board Members & the Public may participate via Zoom**

[Click here to join our Zoom Meeting](#)

Dial in Option: 1(253) 215-8782

Meeting ID: 985 6429 6851 Passcode: 750597

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1. Roll Call
2. Agenda & Approval of Minutes 8-21 and 9-21\*
3. Public Comment
4. Lemhi Basin Settlement Working Group Update
5. Lemhi River at L-6 Agreements\*
6. Boise River Feasibility Study / Anderson Ranch Dam Raise
7. Financial Report
8. Bennington Irrigation Loan\*
9. Flood Management Grant Program\*
10. Water Projects Priority List\*
11. Ririe Reservoir\*
12. Cloud Seeding Program\*
13. Water Rights 37-23110, et al.\*
14. Water Rights 01-10613, et al.\*
15. Priest Lake Water Management Project Update\*
16. Administrative Rules\*
17. Board Committees\*
18. Director's Report
19. Non-Action Items for Discussion
20. Next Meeting & Adjourn

\* Action Item: A vote regarding this item may be made this meeting. Identifying an item as an action item on the agenda does not require a vote to be taken on the item. **Americans with Disabilities:** If you require special accommodations to attend, participate in, or understand the meeting, please make advance arrangements by contacting Department staff by email [jennifer.strange@idwr.idaho.gov](mailto:jennifer.strange@idwr.idaho.gov) or by phone at (208) 287-4800.



# IDAHO WATER RESOURCE BOARD

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Hailey  
At Large

**Brian Olmstead**  
Twin Falls  
At Large

## MINUTES MEETING NO. 8-21

Idaho Water Center  
Conference Rooms 602 B, C & D  
322 East Front Street, 6<sup>th</sup> Floor  
BOISE / ZOOM ONLINE

May 20, 2021  
**Work Session**

Chairman Raybould called the work session meeting to order at 8:00 a.m. Board members present were Al Barker, Roger Chase, Jo Ann Cole-Hansen, Brian Olmstead, Dean Stevenson, Dale Van Stone, and Chairman Raybould; online was Pete Van Der Meulen. IDWR staff members present were: Brian Patton, Gary Spackman, Cynthia Bridge Clark, Wesley Hipke, John Loffredo, and Jennifer Strange; and online were Sean Vincent, Kala Golden, Alex Moody, Amy Cassel, Craig Tesch, David Hoekema, Gus Womeldorph, Kara Ferguson, Ethan Geisler, Mat Weaver, Matt Anders, Meghan Carter, Neeley Miller, Angie Grimm, Noah Stewart-Maddox, Steve Stuebner, Garrick Baxter, and Emily Skoro. Guests present online were: Kurt Newbry, Lynn Tominaga, Shaun Parkinson, Robert Turner, Connely Baldwin, J Gough, B. Liming, Ann Vonde, Darrell Early, Norman Semanko, TJ Budge, Bryan Horsburgh, Erin Whorton, Jim Taylor, Chris Keith, Scott King, Mike Lawrence, Claudia Cottle, Frank Gariglio, Kresta Davis, John Simpson, Sam Eaton, Scott Pugrud, Tom Bassista, and Robert Turner.

During the Work Session the following items were discussed:

- A training on Ethics and Open Meeting Law by Darrell Early of the Attorney General's Office.
- A presentation on the Bear River Planning Model by Matt Anders and David Hoekema.
- A presentation on Cloud Seeding Analysis by Kala Golden and Noah Stewart-Maddox.
- A water rights rental in the Sawtooth Valley by Amy Cassel.
- A loan for the Point Spings Grazing Association by Kala Golden.
- The board recessed for lunch around noon. They went on a field trip of the Boise Project Board of Control facilities from 1:00 p.m. – 4:00 p.m.

May 21, 2021  
**Board Meeting No. 8-21**

At 8:32 a.m. Chairman Raybould called the meeting to order. All members were present.

**Agenda Item No. 1: Roll Call**

*Board Members Present*

Jeff Raybould, Chairman  
Roger Chase, Vice-Chairman  
Jo Ann Cole-Hansen, Secretary  
Albert Barker  
Dale Van Stone  
Dean Stevenson  
Brian Olmstead

*Board Members Present Online*

Pete Van Der Meulen

*Staff Members Present*

Gary Spackman, Director  
Cynthia Bridge Clark, Water Projects Manager  
Garrick Baxter  
Jennifer Strange

*Staff Members Present Online*

Neeley Miller  
Kala Golden  
Wesley Hipke  
Amy Cassel

Brian Patton, Executive Officer  
Mathew Weaver, Deputy Director  
Steve Stuebner

Emily Skoro  
Meghan Carter  
Remington Buyer

*Guests Present*

Clive Strong  
David Ascuena  
Al Hofer  
Bud Corbus  
Crystal Rodgers  
Norm Semanko  
Candice McHugh  
Terry Scanlan  
Kresta Davis

*Guests Present Online*

Kurt Newbry  
John Simpson  
Bryan Horsburgh  
Kira Finkler  
Claudia Cottle  
M. Bundy  
Travis Thompson  
Megan Blanksma  
Shanna Mathews  
Christine Schuldheisz  
Vic Conrad

Ann Vonde  
Mike McCain  
Lynn Tominaga  
Daniel Brennan  
Dylan Lawrence  
Josh Dison  
Michael Lawrence  
Marybeth Collins  
Sen. Christy Zito

Pat McMahon  
Paul Arrington  
Robin Lee-Beuson  
Heather O'Leary  
J. Gough  
Brian Liming  
Connely Baldwin  
Brad Carlson  
Tom Bassista  
Jim Taylor

## **Agenda Item No. 2: Agenda and Approval of Minutes 5-21, 6-21, and 7-21**

Chairman Raybould asked if the minutes had been reviewed and if there were any edits needed. Mr. Barker moved to adopt the minutes as presented for board meetings 5-21, 6-21, and 7-21. Mr. Olmstead seconded. Voice vote. All ayes. The motion carried.

## **Agenda Item No. 3: Public Comment**

Chairman Raybould asked if there were any public comments. Mr. Lynn Tominaga stated he would be retiring from Idaho Ground Water Association (IGWA). Appreciation for Mr. Tominaga's work was expressed.

Three folks had comments on the Board's recharge rights in basin 37. Ms. Candace McHugh, attorney representing the City of Bellevue and the Sun Valley Company, encouraged the board to agree to mediation amongst the parties. Mr. Michael Lawrence, representing the City of Hailey requested mediation as well. Ms. Heather O'Leary, attorney representing Galena Groundwater District, also request mediation.

## **Agenda Item No. 4: Lemhi Basin Settlement Working Group Update**

Mr. Norm Semanko provided some background on the Lemhi Basin Settlement Working Group's efforts for the benefit of the newer board members. Mr. Clive Strong provided an overview of the flushing flows. He provided a priority flow chart for the Upper Lemhi Basin Settlement. He discussed issues that had emerged from the meetings, including a concern for notice of water transactions in the basin. Mr. Olmstead asked about the length of the flushing events.

## **Agenda Item No. 5: Anderson Ranch Dam Raise**

Ms. Bridge Clark introduced Bryan Horsburgh of the Bureau of Reclamation. He discussed the three stages of the design process. He provided an updated timeline for the project. Ms. Bridge Clark discussed a draft resolution to negotiate a contract with BOR for the completion of the Anderson Ranch Dam Raise Project. Mr. Olmstead stated the Water Storage Committee recommended the draft resolution at the meeting held on May 12, 2021.

Mr. Olmstead moved to adopt the resolution. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

## **Agenda Item No. 6: Presentation by Elmore County**

Mr. Terry Scanlan from SPF Water Engineering, LLC presented on Elmore County's request to expand the Treasure Valley groundwater model to the Mountain Home Plateau. Several members of the Elmore County community spoke in support of the request that Mr. Scanlan presented. Those who addressed the board were: Mr. Bud Corbus, Elmore County Commissioners; Mr. Al Hofer, Elmore County Commissioners; Ms. Crystal Rodgers, Elmore County Commissioners; Mike McCain, Mountain Home City Council; Daniel Brennan, Mountain Home City Council; Josh Dison, Elmore County Assessor; David Ascuena, Mountain Home Irrigation District Chairman and Farm Bureau member; and Senator Christy Zito. All expressed concerns for the declining water levels throughout the Mountain Home Plateau and the many impacts

## **Agenda Item No. 7: Financial Report**

Mr. Miller provided the Board's financial report. The accounts as of April 30, 2021 were: Secondary Aquifer Fund: committed/earmarked but not disbursed \$12,494,144 and uncommitted balance \$12,574,109; Revolving Development Account: committed/earmarked but not disbursed \$20,362,808, loan principal outstanding \$20,778,342, uncommitted balance \$12,199,331, and anticipated loanable



funds available next one year \$15,699,331; and Water Management Account: committed/earmarked but not disbursed \$21,680,681, and uncommitted balance \$219,170.

#### **Agenda Item No. 8: Secondary Aquifer Planning Management & Implementation Fund**

##### **Budget**

Mr. Patton stated the budget being considered had been recommended to pass by the Finance Committee on May 10, 2021

Ms. Cole-Hansen moved to adopt the resolution. Mr. Van Stone seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

#### **Agenda Item No. 9: Point Springs Grazing Association Loan**

Mr. Patton introduced Ms. Kala Golden and members of the Point Springs Grazing Association who were requesting a loan to fund a new well.

Mr. Chase moved to adopt the resolution to authorize funding for a new well. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

#### **Agenda Item No. 10: Sawtooth Valley Water Rights Rental**

Mr. Patton stated there was a resolution in the matter of the permanent rental of Sawtooth Valley water rights which had been discussed at the Work Session.

Mr. Stevenson moved to adopt the resolution. Mr. Olmstead seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

#### **Agenda Item No. 11: WD01 Rental Pool Procedures**

Director Spackman discussed his recommendation for amended WD01 rental pool procedures.

Mr. Van Stone moved to adopt the resolution. Mr. Olmstead seconded. Voice vote. All ayes. Motion carried. The resolution passed.

#### **Agenda Item No. 12: Priest Lake Water Management Project Update**

Mr. Miller discussed progress on the Priest Lake Water Management Study. The breakwater portion was complete and the final walk-through was April 2021. Mr. Van Stone asked about the status of the lake pool level for the upcoming recreational season.

#### **Agenda Item No. 13: Bear Lake Economic Value Study**

Mr. Patton introduced a resolution to provide funding in the matter of the Bear Lake Economic Study.

Mr. Chase moved to adopt the resolution for \$5,000. Mr. Van Stone seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

#### **Agenda Item No. 14: Potential Legislation of Interest**

Mr. Garrick Baxter provided final updates on key pieces of legislation.

#### **Agenda Item No. 15: Administrative Rules**

Mr. Mat Weaver provided a resolution for consideration to publish the IWRB's current pending administrative non-fee rules as temporary rules.

Mr. Van Stone moved to adopt the resolution. Mr. Stevenson seconded. Voice vote. All ayes. Motion carried. The resolution was adopted.

#### **Agenda Item No. 16: Swan Falls/Snake River at Murphy Gage Flow Update**

Mr. Ethan Geisler spoke on the Swan Falls/Snake River near Murphy Gage flows. His update included background on the 1984 Swan Falls Settlement Agreement; on methodology for calculating the adjusted average daily flow (AADF); and the flows for the year.

#### **Agenda Item No. 17: Director's Report**

Director Spackman discussed an administrative call on the Portneuf River. He said that notice was sent to users. He also discussed drought conditions for the state. Seven counties had drought orders declared.

Mat Weaver spoke on issues in the Wood River basin.

#### **Agenda Item No. 18: Non-Action Items for Discussion**

There were none.

#### **Agenda Item No. 19: Executive Session**

Board met pursuant to Idaho Code § 74-206(1) subsection (f) to communicate with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The topic was Lemhi Settlement that Ann Vonde discussed.

Ms. Cole-Hansen moved to resolve into executive session. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 8 ayes. The motion passed.

Ms. Cole-Hansen moved to resolve out of executive session at 12:36 p.m. Mr. Van Stone seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

#### **Agenda Item No. 20: Next Meeting and Adjourn**

Mr. Patton stated the next scheduled meetings were July 22-23, 2021 in Twin Falls and via an online platform. Mr. Barker moved to adjourn. Mr. Olmstead seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 12:40 p.m.

Respectfully submitted this 23<sup>rd</sup> day of July, 2021.

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Jo Ann Cole-Hansen, *Secretary*

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Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Meeting minutes 5-21, 6-21, and 7-21 were adopted.
2. Adopted a resolution to negotiate a contract with BOR for the completion of the Anderson Ranch Dam Raise Project.
3. Adopted a resolution to pass the FY 2022 Secondary Aquifer Stabilization Fund budget.
4. Adopted a resolution to authorize a loan for the Point Springs Grazing Association.
5. Adopted a resolution to make a funding commitment in the matter of the permanent rental of Sawtooth Valley water rights.
6. Adopted a resolution to adopt amended WD01 Rental Pool Procedures.
7. Adopted a resolution to provide funding for the Bear Lake Economic Study.
8. Adopted a resolution to publish the IWRB current pending administrative non-fee rules as temporary rules.



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Hailey  
At Large

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Twin Falls  
At Large

## MINUTES MEETING NO. 9-21

Idaho Water Center  
Conference Rooms 648 A / Online Zoom Meeting  
322 East Front Street, 6<sup>th</sup> Floor  
BOISE

June 15, 2021

At 11:00 a.m. Chairman Raybould called the meeting to order.

### Agenda Item No. 1: Roll Call

#### *Board Members Present Via Zoom Online*

Jeff Raybould, Chairman  
Roger Chase, Vice-Chairman  
Jo Ann Cole-Hansen, Secretary  
Al Barker  
Brian Olmstead  
Dean Stevenson  
Dale Van Stone

#### *Staff Members Present*

Brian Patton, Executive Officer  
Jennifer Strange, Admin. Assistant  
Mike Morrison, Planning Engineer

#### *Staff Members Present via Zoom Online*

Mat Weaver, Deputy Director  
Cynthia Bridge Clark, Water Projects Section Manager  
Neeley Miller, Senior Planner

#### *Guests Present Via Zoom Online*

Dylan Lawrence  
Robert Turner  
Douglas Jones

### Agenda Item No. 2: Administrative Rules

Mr. Weaver provided an update on the Administrative Rules process and presented a resolution for consideration. The resolution would rescind current

temporary fee rules and prepare new temporary fee rules to be effective July 1, 2021

Mr. Barker moved to adopt a resolution to publish the IWRB's current pending administrative rules as temporary rules in the event the 2021 Legislative Session adjourns without authorization of current pending administrative rules. Mr. Stevenson seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, absent; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. The motion passed.

**Agenda Item No. 3: Non-Action Items for Discussion**

No other items were discussed.

**Agenda Item No. 4: Next Meeting and Adjourn**

Mr. Barker moved to adjourn. Ms. Cole-Hansen seconded. Voice vote. All ayes. Meeting adjourned at 11:20 a.m.

Respectfully submitted this 23<sup>rd</sup> day of July, 2021.

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Jo Ann Cole-Hansen, *Secretary*

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Jennifer Strange, *Administrative Assistant II*

**Board Actions:**

1. Adopt a resolution to publish the Idaho Water Resource Board's current pending administrative fee rules as temporary rules.

# Memorandum

To: Idaho Water Resource Board  
From: Cynthia Bridge Clark  
Date: July 14, 2021  
Re: Lemhi Basin Settlement Working Group Update

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Clive Strong and Norman Semanko will provide an update on the Lemhi Basin Settlement Working Group efforts.

# OVERVIEW OF LEMHI BASIN CONSERVATION EASEMENTS

PREPARED FOR  
LEMHI SETTLEMENT WORKING GROUP  
BY  
CLIVE STRONG AND NORMAN  
SEMANKO



JULY 6, 2021

# WHAT IS A CONSERVATION EASEMENT?

“Conservation easement” means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.” **Idaho Code § 55-2101(1).**



# ORIGIN OF CONSERVATION EASEMENTS

1. NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS – 1981
2. ADOPTED BY IDAHO IN 1988
3. IDAHO MODIFICATIONS
  - a. CONSERVATION EASEMENT ARE VOLUNTARY TRANSACTIONS (IDAHO CODE § 55-2107)
  - b. CONSERVATION EASEMENTS DO NOT AFFECT AD VALOREM TAX (IDAHO CODE § 55-2109).

# WHAT IS THE LEGAL EFFECT OF A CONSERVATION EASEMENT?

- A conservation easement is a legally enforceable agreement that restricts the development of the land.
- Easements preclude subdivision or commercial development of land.
- The value of the easement is determined by subtracting the value of land with an easement from the fair market value of the land without an easement. The value of the easement is determined through a USPAP Appraisal.
- If the conservation easement is ever removed from the land, landowner is required to share the proceeds of the sale of the land on a proportionate basis with the funding entity.

# WHY DO RANCHERS ENTER INTO CONSERVATION EASEMENTS?

- PROVIDES LIQUIDITY FOR RANCH OPERATIONS
- FINANCIAL VIABILITY TO CONTINUE RANCHING
- DESIRE TO PRESERVE RANCHING LIFESTYLE
- DESIRE TO RECOVER SALMON AND STEELHEAD
- ESTATE PLANNING

# WHY DO RANCHERS ENTER INTO CONSERVATION EASEMENTS?

INTERNAL REVENUE CODE § 2031

(C) ESTATE TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT

(1) IN GENERAL. If the executor makes the election described in paragraph (6), then, except as otherwise provided in this subsection, there shall be excluded from the gross estate the lesser of

- (A) the applicable percentage of the value of land subject to a qualified conservation easement, reduced by the amount of any deduction under Section 2055(F) with respect to such land, or
- (B) \$500,000.

(2) APPLICABLE PERCENTAGE. For purposes of paragraph (1), the term “applicable percentage” means 40 percent reduced (but not below zero) by 2 percentage points for each percentage point (or fraction thereof) by which the value of the qualified conservation easement is less than 30 percent of the value of the land (determined without regard to the value of such easement and reduced by the value of any retained development right (as defined in paragraph (5))). The values taken into account under the preceding sentence shall be such values as of the date of the contribution referred to in paragraph (8)(B).



# OVERVIEW OF LEMHI BASIN CONSERVATION EASEMENTS

TOTAL NUMBER OF CONSERVATION EASEMENTS

14

NATURE CONSERVANCY

6

LEMHI REGIONAL LAND TRUST

8

CONSERVATION EASEMENTS WITH LAND DEVELOPMENT ONLY RESTRICTIONS

9

CONSERVATION EASEMENTS WITH LAND AND WATER RESTRICTIONS

5



# CONSERVATION EASEMENTS WITH WATER RESTRICTIONS

72-HOUR FLUSHING FLOW CONDITIONS FOR ALL WATER RIGHTS

4

BEYELER

LEADORE LAND PARTNERS

PRATT CREEK RANCH

SPLIT RIVER RANCH

SOURCE SWITCH CONDITION

2

BEYELER

LEADORE LAND PARTNERS

BYPASS CONDITION (FRED SNOOK)



# QUESTIONS

# LEMHI HIGH FLOW ALLOCATION SETTLEMENT IWRB UPDATE

WORK IN PROGRESS

PRESENTATION BY  
NORM SEMANKO AND CLIVE STRONG  
TO IDAHO WATER RESOURCE BOARD  
JULY 23, 2021



# JUNE 30, 2021, MEETING WITH LEMHI IRRIGATORS

- IDWR MAILED A MEETING NOTICE TO ALL HOLDERS OF IRRIGATION WATER RIGHTS IN THE LEMHI BASIN
- AN ESTIMATED 35–40 WATER USERS ATTENDED THE MEETING
- REPRESENTATIVES DOROTHY MOON AND TERRY GESTRIN WERE IN ATTENDANCE
- REVIEWED THE SETTLEMENT PRINCIPLES

# SETTLEMENT PRINCIPLES

1. PROTECT EXISTING USES
2. RESOLVE PROTESTS TO PENDING APPLICATIONS
3. CONVERT HIGH FLOW PRACTICE INTO PROTECTED WATER RIGHTS
4. PROTECT FISH HABITAT
5. PROVIDE FOR FUTURE DEVELOPMENT

EXISTING  
DECREED,  
LICENSED  
AND

- PRIORITY OVER WATER RIGHTS LISTED BELOW.

PERMITTED  
ALL PENDING  
HIGH  
WATER  
RIGHT  
APPLICATIONS

- PRIORITY OVER LEMHI BASIN STREAM FLOW MAINTENANCE, SETTLEMENT MINIMUM STREAM FLOW AND FUTURE APPLICATIONS. (Pending Big Timber, Big Eightmile, Eighteenmile and Mill Creek applications will be administered under common priority date.)

LEMHI BASIN  
STREAMFLOW  
W  
MAINTENANCE

APPLICATIONS  
MINIMUM  
STREAM  
FLOW  
APPLICATIONS

- PRIORITY OVER SETTLEMENT MINIMUM STREAM FLOW AND FUTURE APPLICATIONS. (Stream flow maintenance rights subject to flushing flow condition. Big Timber, Big Eightmile, Bohannon, Canyon, Eighteenmile, Hayden and Hawley stream flow maintenance rights subject to bypass flow equivalent to minimum stream flow on those streams. Stream flow maintenance rights of water users with pending applications on Big Timber, Big Eightmile, Eighteenmile and Mill Creek will be one day junior to other stream flow maintenance rights on those streams.

- PRIORITY OVER ALL NEW APPLICATIONS FOR WATER RIGHTS.

FUTURE  
APPLICATIONS

- JUNIOR TO ALL RIGHTS LISTED ABOVE. Rights will contain a condition requiring rights to be turned off when flushing flows are being delivered.



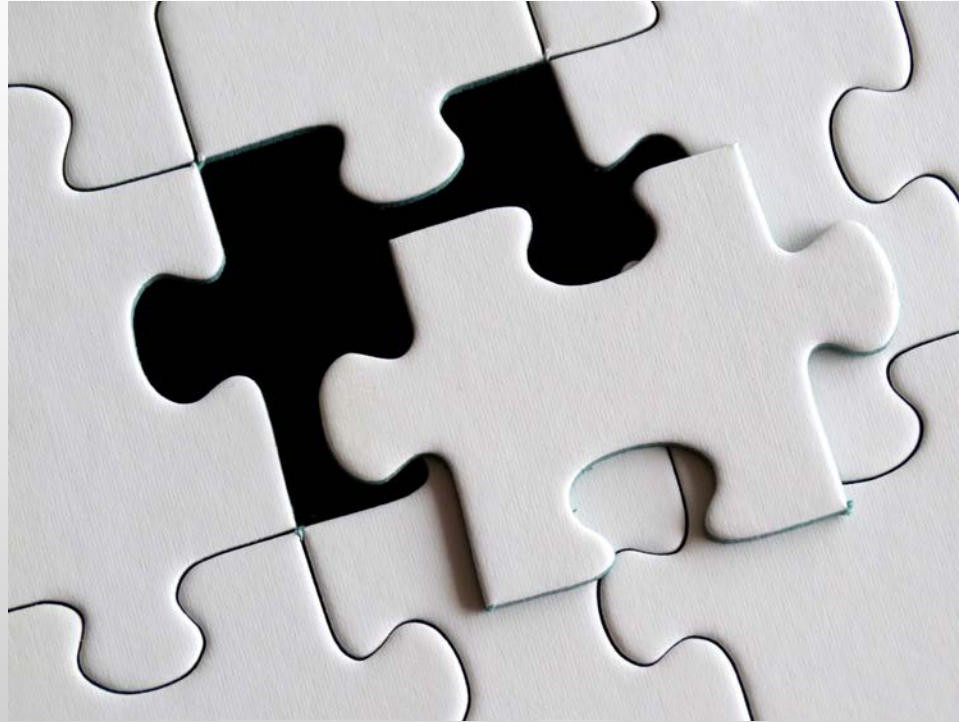
# SUMMARY OF THE LEMHI IRRIGATORS MEETING

- THOSE IRRIGATORS IN ATTENDANCE EXPRESSED SUPPORT THE FRAMEWORK AND CONTINUATION OF THE NEGOTIATIONS
  - SIGNIFICANT SUBSTANTIVE ISSUES REMAINING
    - FLUSHING FLOW
    - NOTICE OF WATER TRANSACTIONS
- 

# NEXT STEPS

- WORKING GROUP MEETING PLANNED FOR SEPTEMBER 9TH OR 10TH.
- IDWR WILL CONDUCT A TRAINING ON USE OF ITS WATER RIGHT APPLICATION TOOL
- SETTLEMENT PROPOSAL WILL BE VETTED THROUGH PUBLIC MEETINGS IN THE FALL.
- IF SETTLEMENT IS REACHED, WATER USERS WILL FILE HIGH FLOW CLAIMS WITH THE DEPARTMENT OF WATER RESOURCES.
- SETTLEMENT WILL BE SUBJECT TO LEGISLATIVE REVIEW.

# QUESTIONS



# Memorandum

To: Idaho Water Resource Board  
From: Amy Cassel  
Date: June 29, 2021  
Re: Water Transaction Program – Lemhi at L-6 Agreements – Permanent and Annual



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**REQUIRED ACTION:** Consideration of the attached resolutions to authorize two additional permanent subordination agreements and additional 2021 Lemhi Annual agreements.

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## Background:

The Lemhi River Basin is an important basin for the spawning, migration and rearing of Chinook salmon, summer steelhead, westslope cutthroat trout, and bull trout. During the irrigation season, low flows at the Lemhi River L-6 diversion, which is located approximately seven river miles upstream from the confluence with the Samon River, can cause migration barriers for out-migrating juvenile Chinook salmon and in-migrating adult Chinook salmon and steelhead (see map below). In April 2001, the Idaho Legislature passed HB 358 which authorized the IWRB to appropriate a Minimum Stream Flow (MSF) water right in the reach below the L-6 diversion. The protected flow is 35 cfs 80 percent of the time between March 15 and June 30, and 25 cfs 100 percent of the time between March 15 and November 15 each year.

For the past 14 years, the IWRB has been working to meet the 25-35 cfs target through both annual and permanent agreements. These agreements allow water users to irrigate their full irrigated acreage unless the IWRB's minimum stream flow water right is not being met. When flows cannot be met naturally, the contracted water users agree to restrict the delivery of their water right. As identified below, a total of 32.27 cfs is currently protected through permanent or short-term agreements:

<b>Flow Target:</b>	<b>35 cfs</b>
Currently protected:	
Permanent Subordination Agreements	16.83 cfs
2019-2022 Annual Subordination Agreements	15.54 cfs
<b>Total Protected</b>	<b>32.37 cfs</b>

## Permanent Agreement Opportunity:

In order to move towards the goal of protecting 35 cfs instream in perpetuity, Board staff proposes the development of two additional permanent subordination agreements with Lowell and Mary Cerise. Water Right Nos. 74-318B, 74-318C, 74-820, and 74-826 total 10.77 cfs, and the Cerises are interested in permanently subordinating a portion of those rights totaling 7.32 cfs. This amount would increase the total amount of permanently protected flow at L-6 to 24.15 cfs.

The cost of the two permanent transactions is based on a 2018 appraisal completed by Henri LeMoyné Appraisal Services which established a price of \$100,000 per cfs. An additional \$12,000 per cfs will be

placed in the water transaction sub-account of the IWRB's Revolving Development Account to pay for contracts with Water District 74 for administration of the subordination agreements. Total price for the two transactions is as follows:

<b>Water Right Nos.</b>	<b>CFS</b>	<b>Payment \$100,000 per cfs</b>	<b>Administration \$12,000 per cfs</b>	<b>TOTAL</b>
74-318B, 74-318C	3.00	\$300,000	\$36,000	\$336,000
74-820, 74-826	4.32	\$432,000	\$51,840	\$483,840
<b>TOTAL</b>				<b>\$819,840</b>

Funding for the transactions will come from the Idaho Fish Accord Water Transactions Fund and the Columbia Basin Water Transactions Fund.

### **2021 Drought Response – additional annual agreements**

The Lemhi River basin is experiencing some of the lowest flows in recorded history and the combination of early season irrigation withdrawal, lack of precipitation, and higher than normal temperatures required use of contracted water to meet the MSF at L-6 early in the 2021 season. Both the annual and permanent agreements allow contracting a maximum of 100 days of restricted delivery. However, it is likely additional days beyond the 100 days maximum will be needed this year to prevent impassable low flows or a dewatering incident at L-6. Funding is available through the Idaho MOA/Fish Accord Water Transaction Program to fund the cost of additional contracts and payments to water users willing to provide water beyond the maximum.

Board staff has received verbal commitments from three water users willing to participate beyond their 100 days maximum and those water users can contribute 10.8 cfs. These three water users all hold permanent subordination agreements and staff has negotiated a payment of the current annual rate – \$90.00 per cfs per day – for each day they restrict their delivery beyond the 100 days maximum. A fourth water user may contribute an additional 7.32 cfs. The combined rate for all of the associated water rights would maintain approximately 18 cfs for an additional 30 days. The goal is to meet the 25 cfs MSF target between March 15 and November 15. Board staff will continue to look for additional water users willing to restrict diversions and asks the IWRB's Streamflow Committee to consider authorization to enter into the necessary agreements and secure the associated funding from Bonneville Power Administration through the Idaho MOA/Fish Accord Water Transaction Program.

<b>Water Right Nos.</b>	<b>CFS</b>	<b>Payment \$90.00 per cfs per day – 30 days</b>
74-15245, 74-14995, 74-15010, 74-14994, 74-15241, 74-15865, 74-324A, 74-325K, 74-326B, 74-839,	10.8	\$29,160.00
74-318B, 74-318C, 74-820, 74-826	7.32	\$19,764.00
Additional water rights to meet 25 cfs MSF	6.88	\$18,576.00
<b>TOTAL</b>	<b>25 cfs</b>	<b>\$67,500</b>



Funding for this transaction will come from the Idaho Fish Accord Water Transaction Fund.

**Attachments:**

1. Attachment 1 – Lemhi at L-6 Map
2. Draft Resolutions





**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE  
LOWER LEMHI RIVER PERMANENT  
SUBORDINATION AGREEMENTS FOR WATER  
RIGHT NOS. 74-318B, 74-318C, 74-820, and  
74-826

RESOLUTION TO MAKE A FUNDING  
COMMITMENT

1 WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Lemhi River Basin is  
2 limited by low flow in the Lower Lemhi River; and  
3

4 WHEREAS, it is in the interest of the State of Idaho to permanently reconnect the Lower  
5 Lemhi River to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout; and  
6

7 WHEREAS, the State of Idaho committed to maintaining flows of 25 cfs to 35 cfs at the L-  
8 6 Diversion on the Lower Lemhi River in the Lemhi Framework which was developed as part of  
9 the 2004 Snake River Water Rights Agreement; and  
10

11 WHEREAS, the Lemhi Framework carries forward target goals which were included in  
12 earlier conservation agreements developed and approved by local water users, and state and  
13 federal agencies; and  
14

15 WHEREAS, though enacting Idaho Code 42-1506 and 42-1765A, the Idaho Legislature  
16 directed the Board to establish a minimum streamflow water right of 35 cfs in the Lower Lemhi  
17 River to be met through water right rentals or other appropriate methods under state law; and  
18

19 WHEREAS, the Idaho Water Resource Board has the authority to enter into water right  
20 agreements and undertake water projects; and  
21

22 WHEREAS, the Idaho Water Resource Board (Board) is authorized to expend Bonneville  
23 Power Administration funds for flow restoration through the Columbia Basin Water Transaction  
24 Program and the Bonneville Fish Accord Water Transaction Fund; and  
25

26 WHEREAS, the Board promotes water transactions that maintain the local agricultural  
27 economy by retaining irrigated agriculture; and  
28

29 WHEREAS, Board staff has developed short-term and permanent subordination  
30 agreements, also known as the Lemhi Subordination Agreements (agreements) with local water  
31 users to improve stream flow for anadromous and resident fish; and  
32

33 WHEREAS, the water right owners desire to enter into subordination agreements that  
34 permanently limit their diversions during times of low flow; and  
35

36 WHEREAS, under these agreements, the water users will continue to irrigate to the full  
37 extent of their water rights when flows exceed the flow targets; and  
38

39 WHEREAS, the Lemhi Subordination Agreements are in the public interest and in  
40 compliance with the State Water Plan; and  
41

42 WHEREAS, \$732,000 is available through the Idaho Memorandum of Agreement (MOA)  
43 Fish Accord Water Transaction Program or the Columbia Basin Water Transaction Program to  
44 fund the cost of said agreements; and  
45

46 WHEREAS, \$87,840 is available through the Idaho (MOA)/Fish Accord Water Transaction  
47 Program or the Columbia Basin Water Transaction Program to fund the administration of said  
48 agreements by Water District 74; and  
49

50 NOW THEREFORE BE IT RESOLVED that the Board authorizes the Chairman to enter into  
51 permanent subordination agreements with the current or subsequent owners of water rights 74-  
52 318B, 74-318C, 74-820, and 74-826 to subordinate their diversions from the Lemhi River to the  
53 Board's Lemhi River minimum streamflow water right, and expenditures not to exceed \$732,000.  
54

55 NOW THEREFORE BE IT RESOLVED that the Board authorizes the Chairman to enter into  
56 contracts with Water District 74 using administration funds in the amount of \$87,840.  
57

58 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition  
59 that the Board receives the requested funding from the Bonneville Power Administration through  
60 the Idaho (MOA)/Fish Accord Water Transaction Program or the Columbia Basin Water  
61 Transaction Program in the amount of \$819,840.

DATED this 23rd day of July, 2021.

---

JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
JO ANN COLE-HANSEN, Secretary

Resolution No. \_\_\_\_\_

Page 2

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE  
LOWER LEMHI 2021 WATER RIGHT  
SUBORDINATION AGREEMENTS

RESOLUTION TO MAKE A FUNDING  
COMMITMENT

1           WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Lemhi River Basin is  
2 limited by low flow in the Lower Lemhi River; and  
3

4           WHEREAS, it is in the interest of the State of Idaho to permanently reconnect the Lower  
5 Lemhi River to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout; and  
6

7           WHEREAS, the State of Idaho committed to maintaining flows of 25 cfs to 35 cfs at the L-  
8 6 Diversion on the Lower Lemhi River in the Lemhi Framework which was developed as part of  
9 the 2004 Snake River Water Rights Agreement; and  
10

11           WHEREAS, the Lemhi Framework carries forward target goals which were included in  
12 earlier conservation agreements developed and approved by local water users, and state and  
13 federal agencies; and  
14

15           WHEREAS, through enacting Idaho Code 42-1506 and 42-1765A, the Idaho Legislature  
16 directed the Idaho Water Resource Board (Board) to establish a minimum streamflow water right  
17 of 35 cfs in the Lower Lemhi River to be met through water right rentals or other appropriate  
18 methods under state law; and WHEREAS, the Board has the authority to enter into agreements  
19 to improve flow for anadromous and resident fish; and  
20

21           WHEREAS, the Board is authorized to expend Bonneville Power Administration funds for  
22 flow restoration through the Columbia Basin Water Transaction Program and the Bonneville Fish  
23 Accord Water Transaction Fund; and  
24

25           WHEREAS, the Board promotes water transactions that maintain the local agricultural  
26 economy by retaining irrigated agriculture; and  
27

28           WHEREAS, Board staff has developed short-term subordination agreements, also known  
29 as the Lemhi Subordination Agreements (agreements) with local water users to improve stream  
30 flow for anadromous and resident fish; and  
31

32           WHEREAS, for all agreements, the water users have agreed to limit their diversions during  
33 times of low flow for a maximum of 100 days; and  
34

35 WHEREAS, the 2021 irrigation season is experiencing extremely low flows and drought  
36 conditions in the Lemhi River Basin; therefore, subordination of water rights beyond the 100 days  
37 maximum may be necessary; and  
38

39 WHEREAS, additional contracts and payments to water users, beyond the currently  
40 contracted 100 days maximum, are necessary in order to secure additional water and prevent  
41 impassable low flows or dewatering conditions in the Lower Lemhi River; and  
42

43 WHEREAS, diversion restrictions to maintain the 25 cfs target minimum flow at the L-6  
44 Diversion for an additional 30 days at the current annual rate of \$90 per cfs per day would result  
45 in expenditures up to \$67,500; and  
46

47 WHEREAS, funding is available through the Idaho MOA/Fish Accord Water Transaction  
48 Program to fund the cost of said agreements; and  
49

50 NOW THEREFORE BE IT RESOLVED that the Board authorizes the Chairman to enter into  
51 additional agreements with lower Lemhi River irrigators to not divert out of the Lemhi River, and  
52 total expenditures not to exceed \$67,500; and  
53

54 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition  
55 that the Board receives the requested funding from the Bonneville Power Administration through  
56 the Idaho MOA/Fish Accord Water Transaction Program in an amount up to \$67,500.

DATED this 23<sup>rd</sup> day of July, 2021.

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JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
JO ANN COLE-HANSEN, Secretary

# Memorandum



To: Idaho Water Resource Board

From: Cynthia Bridge Clark and Emily Skoro

Date: July 6, 2021

Re: Boise River Feasibility Study & Anderson Ranch Dam Raise

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**REQUIRED ACTION:** No actions at this time.

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The following is a status report on the Boise River Feasibility Study (study) and the Anderson Ranch Dam Raise.

## Project Concept

To help address future water needs in the Treasure Valley and southwest Idaho, the Idaho Water Resource Board (IWRB) partnered with the Bureau of Reclamation (Reclamation) to complete a feasibility study of new surface water storage within the Boise River Drainage (study). The concept recommended in Reclamation's Final Feasibility Study is a 6-foot dam raise resulting in approximately 29,000 acre-feet of storage capacity.

The study was authorized under the WIIN Act which included the following general requirements:

- Continuing authority only applied to projects determined to be feasible before January 1, 2021. The Secretary of Interior determined the study's recommended plan to be feasible in December 2020 and Fiscal Year Appropriations legislation secured \$12.88 million in WIIN Act funding for completing the study, environmental compliance, and construction.
- The WIIN Act requires the project to be under construction by December 16, 2021. The term "construction", as defined by Reclamation, means the designing, materials engineering and testing, surveying, and building of water storage including additions to existing water storage and construction of new storage facilities, exclusive of any Federal statutory or regulatory obligations relating to any permit, review, approval, or other such requirement.
- To meet the above referenced requirement, Reclamation must secure agreement(s) with project partner(s) for construction of the raise, including providing for upfront funding of the non-federal share of the capital costs, or post-authorization costs of the project prior to December 16, 2021.

In 2019, the Idaho Legislature passed House Joint Memorial 4 (HJM004) and House Bill No. 285 (HB285). HJM004 was passed to support the raising of Anderson Ranch Dam as one of the priorities for the State of Idaho in the interest of promoting additional water security. HB285 provided a \$20,000,000 General Fund transfer to the IWRB's Water Management Account (WMA) to address the fiscal impact of HJM004. In 2021, the Idaho Legislature passed House Bill 286 which made amendments to the Idaho Code 42-1760, stating, in part, that the Anderson Ranch Dam Raise and other projects selected by the IWRB may be undertaken with funds from the WMA. Senate Bill 1121 was also passed in 2021 which appropriated an additional \$50 million to the WMA.

The IWRB passed a resolution on March 19, 2021 allocating \$17.6 million of the WMA funds for Anderson Ranch Dam Raise Interim Funding for activities required to advance the project to construction. Anticipated activities included final design, contracting, and financial planning.

## **Project Status**

### Final Environmental Impact Statement/Final Feasibility Study/Record of Decision

Reclamation issued a Draft Environmental Impact Statement (DEIS) and Draft Feasibility Report (DFR) on July 31, 2020. The DEIS and DFR identified a 6-foot raise of Anderson Ranch Dam as the preferred alternative. In October 2020, Reclamation submitted the Final Feasibility Report (FFR) for feasibility determination. In December 2020, the Secretary of the Interior determined the study's recommended plan to be feasible in accordance with the WIIN Act. Reclamation anticipates reinitiating the environmental compliance process in fall of 2022 and completing the process prior to project final design (December 2023).

### IWRB/Reclamation Contracting

In accordance with IWRB resolution no. 14-2021, passed May 21, 2021, the IWRB has authorized staff to pursue agreement or contract negotiations with Reclamation regarding design and construction of the project. IWRB anticipates entering into an agreement or contract with Reclamation for construction of the raise, use of water, and operations and maintenance for the new storage.

Reclamation's Columbia Pacific Northwest Region is currently preparing a Basis of Negotiation (BON) to receive delegation of authority from its Commissioner. Upon obtaining the delegation of authority, Reclamation and the IWRB will begin formal negotiations on an agreement for final design and construction. Coordination between Reclamation and IDWR/IWRB staff has occurred through the process and will continue as needed. Reclamation and IWRB anticipate agreement negotiations to occur in August/September 2021. Reclamation will discuss the status of the BON at the July 23, 2021 IWRB meeting.

### Contracting New Storage Space - Water User/IWRB Contracting

The IWRB anticipates entering into sub-contracts with water users interested in the new storage space. The IWRB will develop a water user contract solicitation process to facilitate open and transparent coordination with potential spaceholders. This may be issued as a request for proposals (RFP) to the public that will provide details about project development, costs, and spaceholder contract terms. The specifics and timing of this process are still under consideration. The IWRB will use feedback and questions provided by potential spaceholders through an informal interest survey, as well as project information identified in the studies to develop contracting and financing options.

### Project Financing and Financial Advisor

There are several options for financing the Anderson Ranch Dam raise, though the IWRB anticipates issuing bonds to help fund the non-federal portion of the project costs. Given the aggressive timeline to develop a plan for financing the project, IWRB contracted with Municipal Capital Markets Group, Inc. to analyze the financing alternatives available to the IWRB and to coordinate with all parties, including bond counsel.

### Water Right

The IWRB filed a water right permit application on June 7, 2019 for the additional 29,000 AF of storage water that a 6-foot dam raise would generate (Water Right Number 63-34753). A number of protests to the application were filed and preliminary discussion meetings were held with the protestants to better understand the basis of each protest and to discuss the details of the project. Project information available in Feasibility Study and DEIS, and the additional analysis being performed by Reclamation in response to public comments to the DEIS, will be used to continue discussions with the protestants. The timing of these consultations will be influenced by the completion of additional design work and issuance of the FEIS by Reclamation.

## **ATTACHMENTS**

Bureau of Reclamation – Project Update Memo



# United States Department of the Interior

## BUREAU OF RECLAMATION

Snake River Area Office

230 Collins Road

Boise, ID 83702-4520



IN REPLY REFER TO:

SRA-1308

2.2.4.21

VIA ELECTRONIC MAIL ONLY

Mr. Jeff Raybould  
Chairman  
Idaho Water Resource Board  
322 East Front Street  
Boise, ID 83702

Ms. Melanie Paquin  
Area Manager  
Snake River Area Office  
230 Collins Road  
Boise, ID 83702

Subject: Boise River Basin Feasibility Study / Anderson Ranch Dam Raise Status Update,  
Boise Project, Idaho

Dear Mr. Raybould and Ms. Paquin:

This status update is being sent in preparation for the Idaho Water Resource Board (IWRB) meeting on July 23, 2021.

The IWRB and Reclamation have partnered to complete a feasibility study of new surface water storage options on the Boise River (Study). Authorized under Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, the Study focuses on a 6-foot raise of Anderson Ranch Dam in Idaho, resulting in approximately 29,000 acre-feet of new storage space.

### **Current Status**

Recent project activities include:

- Preparation for formal negotiations on a cost-share agreement for final design and construction.

Ongoing project activities include:

- Reclamation and IWRB staff continue coordinating post-feasibility study activities, including on the dam raise and reservoir rim projects.
- Information sharing about Reclamation's final design, cost estimating, and acquisitions processes.

- Reclamation and IWRB project sub-team are coordinating to plan water right and water contracting processes.
- Standing monthly oversight team meetings between Reclamation and IWRB staff and as needed status updates for IWRB board members.

### **Completed Key Milestones**

Nov. 2017 – Jan. 2019	Reclamation completed initial screening of the three potential dam raise alternatives and developed a project management plan.
July 27, 2018	IWRB passed a resolution supporting the narrowed focus of the Study to a raise at Anderson Ranch Dam.
August 28, 2018	Reclamation and IWRB hosted a Legislative Infrastructure Tour to discuss large water infrastructure projects in Idaho with representatives from Idaho's Congressional delegation.
November 8, 2018	Reclamation and IWRB hosted an informational public open house on the Study in Boise, Idaho.
December 3-7, 2018	Reclamation conducted a Value Planning Study with a final Accountability Report received in February 2019.
December 25, 2018	Reclamation awarded an Indefinite Delivery / Indefinite Quality contract for architect and engineering services to Sundance-EA Joint Venture (Consultant) to complete the Study and environmental compliance activities.
April 30, 2019	Consultant submitted land, structure, infrastructure, and real estate impact assessment (Rim Analysis) for Anderson Ranch Reservoir.
June 7, 2019	IWRB filed a water right permit application for the potential additional storage (Water Right No. 63-34753).
June 19, 2019	Reclamation's Technical Service Center completed feasibility-level design and cost estimates completed for Anderson Ranch Dam raise.
August 9, 2019	Reclamation published the Notice of Intent for an environmental impact statement (EIS) in the Federal Register.
August 27-29, 2019	Reclamation conducted Public Scoping Open Houses in Pine, Boise, and Mountain Home, Idaho.
February 3-7, 2020	Reclamation completed the Design, Estimate, and Construction review of the feasibility-level designs.
April 6-10, 2020	Reclamation completed the Peer Review of the Water Operations Technical Memorandum.
July 31, 2020	Reclamation released the Draft EIS and Draft Feasibility Report.
October 30, 2020	Reclamation initiated formal Endangered Species Act consultation with National Oceanic and Atmospheric Administration National Marine Fisheries Service and submitted its biological assessment.



December 2020	The Secretary of the Interior determined the Study's recommended plan to be feasible in accordance with the WIIN Act.
December 2020	Reclamation transmitted the Final Feasibility Report to Congress.
December 2020	Fiscal Year 2021 Appropriations legislation secured \$12.88 million in WIIN Act funding for completing the Study, environmental compliance, and construction.
May 2021	Initiated pause in environmental compliance process pending further development of final design.

#### Key Critical Path Milestones

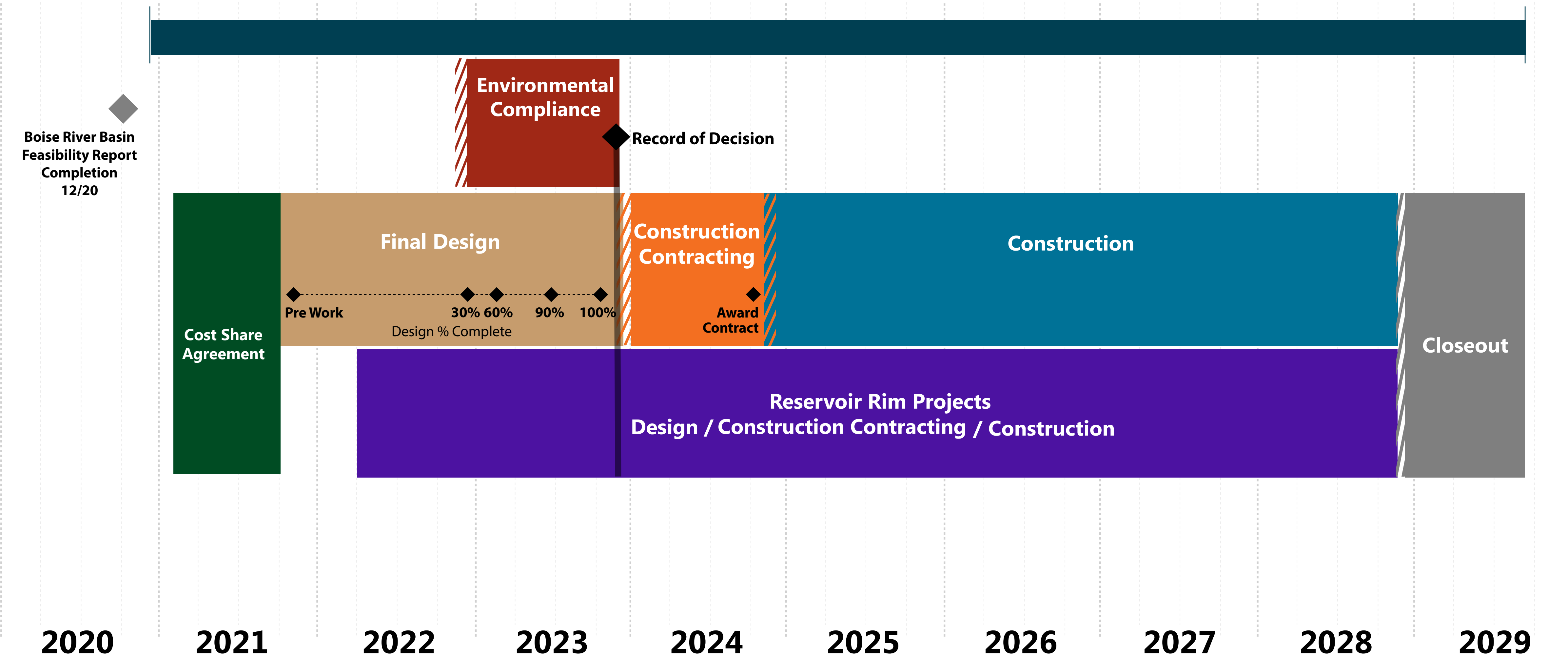
Summer / Fall 2021	Federal / Non-Federal agreement for final design and construction
Fall 2021	Reclamation Technical Service Center design service agreement
Fall 2021	Initiate construction activities (begin final design)
Summer 2022 – Winter 2023	Conduct environmental compliance
Winter 2023	Complete final design

Thank you for this opportunity to provide an update on the Boise River Basin Feasibility Study Project. If you have any questions, please contact me at (208) 378-5360 or via email at [ckeith@usbr.gov](mailto:ckeith@usbr.gov)

Sincerely,

Chris Keith  
Project Manager

# Anderson Ranch Dam Raise Project Timeline\*



\*Time frames subject to change

# Memorandum



To: Idaho Water Resource Board  
From: Neeley Miller, Planning & Projects Bureau  
Date: July 14, 2021  
Re: Financial Status Report

---

As of **May 31, 2021** the IWRB's available and committed balances are as follows:

**Secondary Aquifer Fund:**

Committed/earmarked but not disbursed	\$11,281,864
Uncommitted Balance	\$12,581,602

**Revolving Development Account:**

Committed/earmarked but not disbursed	\$20,458,439
Loan principal outstanding	\$20,741,013
Uncommitted Balance	\$12,329,450
Anticipated loanable funds available next 1 year	\$15,829,450

**Water Management Account**

Committed/earmarked but not disbursed	\$71,624,781
Uncommitted Balance	\$219,569

<b>Total committed/earmarked but not disbursed</b>	<b>\$103,365,084</b>
<b>Total loan principal outstanding</b>	<b>\$20,741,013</b>
<b>Total uncommitted balance</b>	<b>\$25,130,621</b>

- The remaining uncommitted balance in the Secondary Aquifer Fund has been budgeted for FY 2022 (Resolution # 15-2021)
- The committed/earmarked balance in the Water Management Account includes the \$20M legislative appropriation per HB 285 (FY 2019) for the Anderson Reservoir Enlargement and/or Mountain Home Air Force Base Water Supply Project.
- The Water Management also includes \$50M for large infrastructure projects per Senate Bill 1121 (FY 2021) for the Anderson Ranch enlargement, Mountain Air Force Base Water Supply Project, ESPA Managed Aquifer Recharge Program, other projects identified by the IWRB.
- IWRB Finance Committee is reviewing the interest rate and should have a recommendation in the next few months.

Idaho Water Resource Board  
Budget and Committed Funds  
as of May 31, 2021

SECONDARY AQUIFER PLANNING, MANAGEMENT, & IMPLEMENTATION FUND

**FYE 2020 Cash Balance..... 19,209,754.56**

**FY 2021 Revenue**

Interest Earned State Treasury.....	105,449.78
Recharge Payments - City of Pocatello & City of Idaho Falls.....	40,901.60
HB547 - State Recharge & Aquifer Stabilization (SRAS).....	5,000,000.00
HB646, Section 4 - Water Sustainability.....	5,000,000.00
HB646, Section 4 - Governor's Holdback.....	(250,000.00)
Department of Energy Grant (\$928K).....	261,400.00
Department of Energy Grant (\$1.14M).....	188,300.00
<b>TOTAL FY 2021 REVENUE.....</b>	<b>10,346,051.38</b>

**FY 2021 Expenditures**

SRAS Equipment & Supplies - FY 20.....	(26,118.98)
SRAS Equipment & Supplies - FY 21.....	(50,592.38)
SRAS Conveyance Costs - FY 20.....	(411,082.96)
SRAS Conveyance Costs - FY 21.....	(1,410,112.56)
SRAS Site Monitoring - FY 20.....	(102,853.72)
SRAS Site Monitoring - FY 21.....	(281,878.20)
SRAS Regional Monitoring - FY 20.....	(34,432.63)
SRAS Regional Monitoring - FY 21.....	(101,921.69)
American Falls Reservoir District # 2 (CON01384).....	(32,838.70)
Big Wood Canal Company (CON01281 - Deitrich Drop Power Plant Improvements Project).....	(114,570.87)
Butte & Market Lake Canal Company (CON01462).....	(83,194.00)
Connect Engineering (CON01458).....	(54,109.50)
Egin Bench Canals Inc (CON01425).....	(273,815.65)
Quadrant Consulting Inc (CON01464, MP31 Embankment Design).....	(27,933.71)
Quadrant Consulting Inc (CON01514, Large Upper Valley Study).....	(31,453.50)
Quadrant Consulting Inc (CON01527, MP31 Embankment Construction Oversight).....	(11,935.37)
Summit Construction LLC (CON01533, MP31 Embankment Construction).....	(110,212.95)
The Ferguson Group (FY 2020 Budget).....	(96,233.14)
Steve Stuebner (FY 2020 Budget) - Media Services.....	(9,018.75)
Clive Strong (CON01470).....	(70,921.26)
Parsons, Behle, and Latimer (CON01479).....	(46,540.85)
Centered Consulting International LLC (CON01515).....	(17,216.86)
Elizabeth Cresto (CON01487).....	(756.25)
Misc Costs for IWRB and staff.....	(11,233.60)
WS Hydrology Monitoring - FY 20.....	(18,461.80)
WS Hydrology Monitoring - FY 21.....	(439,564.24)
USGS - 6605 (Treasure Valley Modeling).....	(374,258.94)
University of Idaho (CON01210, TV Model).....	(43,315.78)
University of Idaho (CON01424 & CON01427, Raft River).....	(149,272.58)
Boise State University (CON01503).....	(35,448.01)
Department of Interior - Boise River Feasibility Study (FY2019).....	(295,000.00)
City of Hailey (CON01205, Grant).....	(10,500.00)
Department of Energy Grant expenditures (ESPA costs) 29871.....	(150,610.36)
Department of Energy Grant expenditures (Big Lost costs) 29872.....	(286,566.56)
Department of Energy Grant expenditures (Raft River costs) 29874.....	(70.13)
Idaho Power - Cloudseeding Model (CON01254).....	(238,644.35)

Idaho Power - Cloudseeding HPC (CON01444).....				(200,000.00)			
Boise State University - Cloudseeding (29860) (CON01394).....				(25,000.00)			
Boise State University - Cloudseeding (29840) (CON01394).....				(14,649.64)			
<b>TOTAL FY 2021 EXPENDITURES.....</b>				<b>(5,692,340.47)</b>			
<b>FY 2021 Cash Balance.....</b>					<b>23,863,465.47</b>		
<b>COMMITTED FUNDS THRU FY 2018</b>	<b>Budget</b>	<b>Amended</b>	<b>Obligated</b>	<b>Expenditures</b>	<b>Carry forward</b>	<b>Committed</b>	
Cooperative Weather Modification Program (Cloud Seeding - CON01109).....	492,000.00		492,000.00	(483,997.64)	(8,002.36)	0.00	
<b>Mountain Home Air Force Base (PCA 29800).....</b>	<b>1,000,000.00</b>	<b>900,000.00</b>	<b>1,900,000.00</b>	<b>(1,197,691.65)</b>		<b>702,308.35</b>	
<b>Remaining Initial Funds.....</b>	<b>1,492,000.00</b>	<b>900,000.00</b>	<b>2,392,000.00</b>	<b>(1,681,689.29)</b>	<b>(8,002.36)</b>	<b>702,308.35</b>	
<b>ESPA Managed Recharge Infrastructure</b>							
Milner-Gooding Dietrich Drop hydro plant bypass (CON01281).....	50,000.00	1,450,000.00	1,500,000.00	(1,478,327.73)	(21,672.27)	0.00	
Butte Market Lake Recharge Well (CON01462).....	110,000.00		110,000.00	(83,194.00)		26,806.00	
Egin Lakes Recharge Project, Phase II (CON01225).....	500,000.00	80,000.00	580,000.00	(508,582.06)		71,417.94	
<b>Total ESPA Managed Recharge Infrastructure.....</b>	<b>660,000.00</b>	<b>1,530,000.00</b>	<b>2,190,000.00</b>	<b>(2,070,103.79)</b>	<b>(21,672.27)</b>	<b>98,223.94</b>	
<b>STATEWIDE STUDIES &amp; PROJECTS</b>							
<b>OTHER STATEWIDE STUDIES &amp; PROJECTS</b>							
Ground water conservation grants in priority aquifers (CON01205 & CON01223).....	200,000.00		200,000.00	(77,984.03)	(112,515.97)	9,500.00	
Cloud Seeding Operations & Maintenance (1/3 of total).....	600,000.00	18,000.00	618,000.00	(580,000.00)	(38,000.00)	0.00	
NRCS Snow Survey contribution USDA (CON01177).....	100,000.00	100,000.00	200,000.00	(150,000.00)		50,000.00	
<b>Total Statewide Studies &amp; Projects</b>	<b>900,000.00</b>	<b>118,000.00</b>	<b>1,018,000.00</b>	<b>(807,984.03)</b>	<b>(150,515.97)</b>	<b>59,500.00</b>	
<b>TOTAL COMMITTED FUNDS THRU FY 2018.....</b>	<b>3,052,000.00</b>	<b>2,548,000.00</b>	<b>5,600,000.00</b>	<b>(4,559,777.11)</b>	<b>(180,190.60)</b>	<b>860,032.29</b>	<b>Adjustments</b>
<b>FY 2019 BUDGET</b>	<b>Budget (as approved - May 2018)</b>	<b>Amendments</b>	<b>Budget (as amended)</b>	<b>Obligated</b>	<b>Expenditures</b>	<b>Carry forward</b>	<b>Committed</b>
<b>ESPA Managed Recharge Infrastructure</b>							
North Side CC - Wilson Canyon Recharge Basin (CON01331, CON01368, CON01384).....	1,750,000.00	150,000.00	1,900,000.00	1,900,000.00	(1,408,115.51)	(491,884.49)	0.00
AFRD2 MP29 Site (CON01384).....	2,150,000.00		2,150,000.00	2,150,000.00	(594,434.32)	(1,555,565.68)	0.00
<b>Total ESPA Managed Recharge Infrastructure.....</b>	<b>3,900,000.00</b>	<b>150,000.00</b>	<b>4,050,000.00</b>	<b>4,050,000.00</b>	<b>(2,002,549.83)</b>	<b>(2,047,450.17)</b>	<b>0.00</b>
<b>Managed Recharge Investigations</b>							
MP29 Managed Recharge Site (CON01296 & CON01337).....		85,500.00	85,500.00	85,500.00	(53,954.48)	(31,545.52)	0.00
<b>Total Managed Recharge Investigations.....</b>	<b>0.00</b>	<b>85,500.00</b>	<b>85,500.00</b>	<b>85,500.00</b>	<b>(53,954.48)</b>	<b>(31,545.52)</b>	<b>0.00</b>
<b>ESPA Hydrologic Monitoring</b>							
Hydrologic Monitoring (DOE - Year 1 of 3 = \$928K).....	310,000.00		310,000.00	310,000.00	(310,000.00)		0.00
<b>ESPA Hydrologic Monitoring .....</b>	<b>310,000.00</b>	<b>0.00</b>	<b>310,000.00</b>	<b>310,000.00</b>	<b>(310,000.00)</b>	<b>0.00</b>	<b>0.00</b>
<b>TREASURE VALLEY</b>							
Boise River Storage Studies (final payment).....	1,000,000.00		1,000,000.00	1,000,000.00	(1,000,000.00)		0.00
Southeast Boise Groundwater Management Area Monitoring.....	100,000.00		100,000.00	100,000.00	(53,130.00)	(46,870.00)	0.00
Treasure Valley Recharge Study (CON01320).....	200,000.00		200,000.00	200,000.00	(199,987.76)	(12.24)	(0.00)
<b>TREASURE VALLEY TOTAL.....</b>	<b>1,300,000.00</b>	<b>0.00</b>	<b>1,300,000.00</b>	<b>1,300,000.00</b>	<b>(1,253,117.76)</b>	<b>(46,882.24)</b>	<b>(0.00)</b>
<b>STATE-WIDE</b>							
Aquifer monitoring network enhancements in priority aquifers.....	309,351.82		309,351.82	309,351.82	(267,205.66)	(42,146.16)	0.00

Cooperative Cloud Seeding Program						
Operations & Maintenance (1/3 of total).....	800,000.00		800,000.00	800,000.00	(800,000.00)	0.00
Cloud Seeding Modeling Project, CON01254 (Year 2 of 4, Total \$1,470,000).....	470,000.00		470,000.00	470,000.00	(412,052.50)	(57,947.50)
<b>STATE-WIDE TOTAL.....</b>	<b>1,579,351.82</b>	<b>0.00</b>	<b>1,579,351.82</b>	<b>1,579,351.82</b>	<b>(1,479,258.16)</b>	<b>(100,093.66)</b>
<b>TOTAL FY 2019 BUDGETED FUNDS.....</b>	<b>7,089,351.82</b>	<b>235,500.00</b>	<b>7,324,851.82</b>	<b>7,324,851.82</b>	<b>(5,098,880.23)</b>	<b>(2,225,971.59)</b>
						<b>(0.00)</b>

<b>FY 2020 BUDGET</b>	<b>Budget (as approved - May 2019)</b>	<b>Amendments</b>	<b>Budget (as amended)</b>	<b>Obligated</b>	<b>Expenditures</b>	<b>Carry forward</b>	<b>Committed</b>
<b>ESPA Managed Recharge Operations</b>							-
Equipment & Supplies.....	192,880.00		192,880.00	192,880.00	(32,003.33)	(160,876.67)	0.00
Conveyance Cost.....	3,500,000.00		3,500,000.00	3,500,000.00	(3,500,000.00)		0.00
Recharge Monitoring.....	540,950.00		540,950.00	540,950.00	(460,652.21)	(80,297.79)	0.00
Regional Monitoring.....	200,000.00		200,000.00	200,000.00	(105,747.30)	(94,252.70)	0.00
<b>Total ESPA Managed Recharge Operations.....</b>	<b>4,433,830.00</b>	<b>0.00</b>	<b>4,433,830.00</b>	<b>4,433,830.00</b>	<b>(4,098,402.84)</b>	<b>(335,427.16)</b>	<b>0.00</b>
<b>ESPA Managed Recharge Infrastructure</b>							
North Side CC - Eden Projects.....	2,000,000.00		2,000,000.00	2,000,000.00		(2,000,000.00)	0.00
Large Upper Valley Investigations.....	500,000.00		500,000.00	500,000.00		(500,000.00)	0.00
Small Upper Valley Sites.....	1,000,000.00		1,000,000.00	1,000,000.00		(1,000,000.00)	0.00
Twin Falls Canal Company - Injection Wells.....	550,000.00		550,000.00	550,000.00		(372,000.00)	178,000.00
Reserved for Additional Recharge Projects.....	500,000.00		500,000.00	500,000.00		(500,000.00)	0.00
<b>Total ESPA Managed Recharge Infrastructure.....</b>	<b>4,550,000.00</b>	<b>0.00</b>	<b>4,550,000.00</b>	<b>4,550,000.00</b>	<b>0.00</b>	<b>(4,372,000.00)</b>	<b>178,000.00</b>
<b>Managed Recharge Investigations</b>							
Big/Little Wood Sites.....	200,000.00		200,000.00	200,000.00		(200,000.00)	0.00
Swan Highway Project Design (Connect Eng - CON01458).....		100,000.00	100,000.00	100,000.00	(54,109.50)		45,890.50
Reserved for additional investigations and engineering.....	300,000.00	(100,000.00)	200,000.00	200,000.00		(200,000.00)	0.00
<b>Total Managed Recharge Investigations.....</b>	<b>500,000.00</b>	<b>0.00</b>	<b>500,000.00</b>	<b>500,000.00</b>	<b>(54,109.50)</b>	<b>(400,000.00)</b>	<b>45,890.50</b>
<b>ESPA Hydrologic Monitoring</b>							
Hydrologic Monitoring (DOE - Year 2 of 3 = \$928K).....	310,000.00		310,000.00	310,000.00	(81,485.17)		228,514.83
<b>ESPA Hydrologic Monitoring .....</b>	<b>310,000.00</b>	<b>0.00</b>	<b>310,000.00</b>	<b>310,000.00</b>	<b>(81,485.17)</b>	<b>0.00</b>	<b>228,514.83</b>
<b>TREASURE VALLEY</b>							
Treasure Valley Modeling Year 4 of 5 (USGS 6605).....	500,000.00		500,000.00	500,000.00	(431,039.64)		68,960.36
Treasure Valley DCMI Water Conservation Study.....	200,000.00		200,000.00	200,000.00		(200,000.00)	0.00
Boise River Storage Studies.....		920,000.00	920,000.00	920,000.00	(795,000.00)		125,000.00
<b>TREASURE VALLEY TOTAL.....</b>	<b>700,000.00</b>	<b>920,000.00</b>	<b>1,620,000.00</b>	<b>1,620,000.00</b>	<b>(1,226,039.64)</b>	<b>(200,000.00)</b>	<b>193,960.36</b>
<b>CAMAS PRAIRIE</b>							
Ground & Surface Water Monitoring.....	15,000.00		15,000.00	15,000.00		(15,000.00)	0.00
<b>CAMAS PRAIRIE TOTAL.....</b>	<b>15,000.00</b>	<b>0.00</b>	<b>15,000.00</b>	<b>15,000.00</b>	<b>0.00</b>	<b>(15,000.00)</b>	<b>0.00</b>
<b>BIG LOST</b>							
Hydrologic Monitoring (DOE - Year 2 of 3 = \$1.14M).....	380,000.00		380,000.00	380,000.00	(283,368.53)		96,631.47
<b>BIG LOST TOTAL.....</b>	<b>380,000.00</b>	<b>0.00</b>	<b>380,000.00</b>	<b>380,000.00</b>	<b>(283,368.53)</b>	<b>0.00</b>	<b>96,631.47</b>
<b>PALOUSE BASIN</b>							
Water Sustainability Projects.....	100,000.00		100,000.00	100,000.00		(100,000.00)	0.00

<b>PALOUSE BASIN TOTAL.....</b>	<b>100,000.00</b>	<b>0.00</b>	<b>100,000.00</b>	<b>100,000.00</b>	<b>0.00</b>	<b>(100,000.00)</b>	<b>0.00</b>
<b>BEAR RIVER BASIN</b>							
Water Sustainability Projects.....	100,000.00		100,000.00	100,000.00	(948.75)	(99,051.25)	0.00
<b>BEAR RIVER BASIN TOTAL.....</b>	<b>100,000.00</b>	<b>0.00</b>	<b>100,000.00</b>	<b>100,000.00</b>	<b>(948.75)</b>	<b>(99,051.25)</b>	<b>0.00</b>
<b>COOPERATIVE CLOUD SEEDING PROGRAM</b>							
Cloud Seeding Modeling Project, CON01254 (Year 3 of 4, Total \$1,470,000).....	231,000.00		231,000.00	231,000.00	(223,303.15)	(7,696.85)	0.00
Operations & Maintenance - CON01393 (1/3 of total annual cost for O&M).....	1,232,000.00		1,232,000.00	1,232,000.00	(900,000.00)	(332,000.00)	0.00
Capital Expenditures - CON01444 (HPC - Year 1 of 2, Total = \$700K).....	500,000.00		500,000.00	500,000.00	(500,000.00)		0.00
Program Development Activities - CON01444.....	200,000.00		200,000.00	200,000.00	(25,000.00)	(175,000.00)	0.00
<b>COOPERATIVE CLOUD SEEDING PROGRAM TOTAL.....</b>	<b>2,163,000.00</b>	<b>0.00</b>	<b>2,163,000.00</b>	<b>2,163,000.00</b>	<b>(1,648,303.15)</b>	<b>(514,696.85)</b>	<b>0.00</b>
<b>RAFT RIVER BASIN</b>							
Raft River Basin Hydrologic Project (CON01424).....		204,000.00	204,000.00	204,000.00	(203,022.58)		977.42
<b>RAFT RIVER BASIN TOTAL.....</b>	<b>0.00</b>	<b>204,000.00</b>	<b>204,000.00</b>	<b>204,000.00</b>	<b>(203,022.58)</b>	<b>0.00</b>	<b>977.42</b>
<b>STATE-WIDE</b>							
Administrative expenses (public information, staff training, etc).....	80,000.00		80,000.00	80,000.00	(26,816.32)	(53,183.68)	0.00
Hydrological monitoring hardware and software.....	15,000.00		15,000.00	15,000.00		(15,000.00)	0.00
Professional Assistance for securing Federal Funding.....	100,000.00		100,000.00	100,000.00	(88,199.28)	(11,800.72)	0.00
<u>Aquifer monitoring network enhancements in priority aquifers</u>							
Northern Idaho.....	125,000.00		125,000.00	125,000.00		(125,000.00)	0.00
Southern Idaho (non-ESPA).....	125,000.00		125,000.00	125,000.00		(125,000.00)	0.00
<b>STATE-WIDE TOTAL.....</b>	<b>445,000.00</b>	<b>0.00</b>	<b>445,000.00</b>	<b>195,000.00</b>	<b>(115,015.60)</b>	<b>(79,984.40)</b>	<b>0.00</b>
Unspecified Projects in Other Areas or Carry-over.....	1,555,170.00	(1,124,000.00)	431,170.00				
<b>TOTAL FY 2020 BUDGETED FUNDS.....</b>	<b>15,252,000.00</b>	<b>0.00</b>	<b>15,048,000.00</b>	<b>12,203,830.00</b>	<b>(7,710,695.76)</b>	<b>(6,116,159.66)</b>	<b>743,974.58</b>

<b>FY 2021 BUDGET</b>	<b>Budget (as approved - May 2020)</b>	<b>Amendments</b>	<b>Budget (as amended)</b>	<b>Obligated</b>	<b>Expenditures</b>	<b>Carry forward</b>	<b>Committed</b>
<b>ESPA Managed Recharge Operations</b>							
Equipment & Supplies.....	229,000.00		229,000.00	229,000.00	(50,592.38)	(125,000.00)	53,407.62
Conveyance Cost.....	3,500,000.00		3,500,000.00	3,500,000.00	(1,410,112.56)		2,089,887.44
Recharge Monitoring.....	526,000.00		526,000.00	526,000.00	(281,878.20)		244,121.80
Regional Monitoring.....	225,000.00		225,000.00	225,000.00	(101,921.69)		123,078.31
<b>Total ESPA Managed Recharge Operations.....</b>	<b>4,480,000.00</b>	<b>0.00</b>	<b>4,480,000.00</b>	<b>4,480,000.00</b>	<b>(1,844,504.83)</b>	<b>(125,000.00)</b>	<b>2,510,495.17</b>
<b>ESPA Managed Recharge Infrastructure</b>							
Enterprise Project.....	2,000,000.00		2,000,000.00	2,000,000.00			2,000,000.00
Butte Market Lake Project.....	500,000.00		500,000.00	500,000.00		(500,000.00)	0.00
MP 31 - BLM Road Embankment (CON01527, CON01533).....		320,000.00	320,000.00	320,000.00	(122,148.32)		197,851.68
Reserved for Additional Recharge Projects.....	500,000.00	(320,000.00)	180,000.00	180,000.00		(180,000.00)	0.00
<b>Total ESPA Managed Recharge Infrastructure.....</b>	<b>3,000,000.00</b>	<b>0.00</b>	<b>3,000,000.00</b>	<b>3,000,000.00</b>	<b>(122,148.32)</b>	<b>(680,000.00)</b>	<b>2,197,851.68</b>
<b>Managed Recharge Investigations</b>							
Large Upper Valley Project.....	300,000.00		300,000.00	300,000.00	(31,453.50)		268,546.50
ASCC Project Investigation.....	200,000.00		200,000.00	200,000.00		(200,000.00)	0.00

North Side Hunt Projects.....	500,000.00		500,000.00	500,000.00		(500,000.00)	0.00
MP31 - BLM Road Embankment Design (CON01464).....		27,950.00	27,950.00	27,950.00	(27,933.71)		16.29
Cloudseeding - BSU CON01394.....		20,409.00	20,409.00	20,409.00	(14,649.64)		5,759.36
Reserved for additional investigations and engineering.....	300,000.00	(48,359.00)	251,641.00	251,641.00		(251,641.00)	0.00
<b>Total Managed Recharge Investigations.....</b>	<b>1,300,000.00</b>	<b>0.00</b>	<b>1,300,000.00</b>	<b>1,300,000.00</b>	<b>(74,036.85)</b>	<b>(951,641.00)</b>	<b>274,322.15</b>
<b>ESPA Hydrologic Monitoring</b>							
Hydrologic Monitoring (DOE - Year 3 of 3 = \$928K).....	308,000.00		308,000.00	308,000.00			308,000.00
<b>ESPA Hydrologic Monitoring .....</b>	<b>308,000.00</b>	<b>0.00</b>	<b>308,000.00</b>	<b>308,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>308,000.00</b>
<b>TREASURE VALLEY</b>							
Treasure Valley Modeling Year 5 of 5 (USGS 6605).....	500,000.00		500,000.00	500,000.00			500,000.00
Boise River Storage Study.....	250,000.00		250,000.00	250,000.00		(250,000.00)	0.00
<b>TREASURE VALLEY TOTAL.....</b>	<b>750,000.00</b>	<b>0.00</b>	<b>750,000.00</b>	<b>750,000.00</b>	<b>0.00</b>	<b>(250,000.00)</b>	<b>500,000.00</b>
<b>RAFT RIVER</b>							
Raft River Hydrologic Characterization.....	100,000.00	375,000.00	475,000.00	475,000.00	(35,448.01)		439,551.99
Hydrologic Monitoring (DOE - Year 1 of 3 = \$832K).....	277,000.00		277,000.00	277,000.00	(70.13)		276,929.87
<b>RAFT RIVER TOTAL.....</b>	<b>377,000.00</b>	<b>375,000.00</b>	<b>752,000.00</b>	<b>752,000.00</b>	<b>(35,518.14)</b>	<b>0.00</b>	<b>716,481.86</b>
<b>BIG LOST</b>							
Hydrologic Monitoring (DOE - Year 3 of 3 = \$1.14M).....	380,000.00		380,000.00	380,000.00			380,000.00
<b>BIG LOST TOTAL.....</b>	<b>380,000.00</b>	<b>0.00</b>	<b>380,000.00</b>	<b>380,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>380,000.00</b>
<b>PALOUSE BASIN</b>							
Water Sustainability Projects.....	200,000.00		200,000.00	200,000.00			200,000.00
<b>PALOUSE BASIN TOTAL.....</b>	<b>200,000.00</b>	<b>0.00</b>	<b>200,000.00</b>	<b>200,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>200,000.00</b>
<b>BEAR RIVER BASIN</b>							
Water Sustainability Projects.....	100,000.00		100,000.00	100,000.00	(756.25)		99,243.75
<b>BEAR RIVER BASIN TOTAL.....</b>	<b>100,000.00</b>	<b>0.00</b>	<b>100,000.00</b>	<b>100,000.00</b>	<b>(756.25)</b>	<b>0.00</b>	<b>99,243.75</b>
<b>LEMHI BASIN</b>							
Lemhi Basin SCR 137.....	200,000.00		200,000.00	200,000.00	(134,678.97)		65,321.03
<b>LEMHI BASIN TOTAL.....</b>	<b>200,000.00</b>	<b>0.00</b>	<b>200,000.00</b>	<b>200,000.00</b>	<b>(134,678.97)</b>	<b>0.00</b>	<b>65,321.03</b>
<b>MOUNTAIN HOME/ELMORE COUNTY</b>							
Water Sustainability Projects.....	200,000.00		200,000.00	200,000.00	0.00		200,000.00
<b>MOUNTAIN HOME/ELMORE COUNTY TOTAL.....</b>	<b>200,000.00</b>	<b>0.00</b>	<b>200,000.00</b>	<b>200,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>200,000.00</b>
<b>COOPERATIVE CLOUD SEEDING PROGRAM</b>							
Cloud Seeding Modeling Project, CON01254 (Year 4 of 4, Total \$1,470,000)....	240,000.00		240,000.00	240,000.00	(238,644.35)	(1,355.65)	0.00
Operations & Maintenance - CON01511 (1/3 of total annual cost for O&M).....	875,000.00		875,000.00	875,000.00		(44,400.00)	830,600.00
O&M Shortages provided by IWRB (CON01511, Amendment 1).....	500,000.00		500,000.00	500,000.00		(83,000.00)	417,000.00
Capital Expenditures - CON01444 (HPC - Year 2 of 2, Total = \$700K).....	200,000.00		200,000.00	200,000.00	(200,000.00)		0.00
Program Development Activities .....	500,000.00		500,000.00	500,000.00			500,000.00
<b>COOPERATIVE CLOUD SEEDING PROGRAM TOTAL.....</b>	<b>2,315,000.00</b>	<b>0.00</b>	<b>2,315,000.00</b>	<b>2,315,000.00</b>	<b>(438,644.35)</b>	<b>(128,755.65)</b>	<b>1,747,600.00</b>
<b>STATE-WIDE</b>							
Administrative expenses (public information, staff training, etc).....	85,000.00		85,000.00	85,000.00	(20,252.35)		64,747.65
Professional Assistance for securing Federal Funding.....	100,000.00		100,000.00	100,000.00	(96,233.14)		3,766.86
<b>Statewide Surface Water &amp; Aquifer Monitoring.....</b>	<b>850,000.00</b>		<b>850,000.00</b>	<b>850,000.00</b>	<b>(439,564.24)</b>		<b>410,435.76</b>



STATE-WIDE TOTAL.....	1,035,000.00	0.00	1,035,000.00	1,035,000.00	(556,049.73)	0.00	478,950.27
FIVE PERCENT GOVERNOR'S HOLDBACK TOTAL.....	250,000.00		250,000.00	250,000.00			
Unspecified Projects in Other Areas or Carry-over.....	0.00		0.00				
TOTAL FY 2021 BUDGETED FUNDS.....	14,895,000.00	375,000.00	15,270,000.00	15,270,000.00	(3,071,658.47)	(2,135,396.65)	9,678,265.91

IDAHO WATER RESOURCE BOARD  
Sources and Applications of Funds  
as of May 31, 2021  
**REVOLVING DEVELOPMENT ACCOUNT**

Original Appropriation (1969).....		\$500,000.00
Legislative Appropriation FY90-91.....		\$250,000.00
Legislative Appropriation FY91-92.....		\$280,700.00
Legislative Appropriation FY93-94.....		\$500,000.00
Legislative Appropriation 2001, SB1239.....		\$200,000.00
Legislative Appropriation 2004, HB843, Sec 12.....		\$500,000.00
Loan Interest.....		\$13,013,341.50
Interest Earned State Treasury (Transferred).....		\$2,351,272.89
Water Supply Bank Receipts.....		\$8,507,689.22
Transferred to/from Water Management Account.....		\$317,253.80
Filing Fee Balance.....		\$47,640.20
Bond Fees.....		\$1,469,601.45
Series 2000 (Caldwell/New York) Pooled Bond Issuers fees.....		\$43,657.93
2012 Ground Water District Bond Issuer fees.....		\$366,000.00
Bond Issuer fees.....		\$21,107.59
Pierce Well Easement.....		\$2,000.00
Transfer from Aqualife Hatchery Sub-Account.....		\$1,117,800.85
Transfer from Pristine Springs Sub-Account.....		\$554,882.10
Legislative Audits.....		(\$49,404.45)
IWRB Bond Program.....		(\$18,600.00)
IWRB Studies and Projects.....		(\$249,067.18)
Arbitrage Calculation Fees.....		(\$12,000.00)
Protest Fees.....		(\$995.00)
Attorney fees for Jughandle LID (Skinner Fawcett).....		(\$3,600.00)
Attorney fees for A&B Irrigation (Skinner Fawcett).....		(\$4,637.50)
Lemhi Basin Protest Costs - (Attorney General's Office).....		(\$32,279.54)
Weiser Galloway Study - US Army Corps of Engineers.....		(\$1,555,450.71)
Boise River Storage Feasibility Study.....		(\$333,000.00)
Geotech Environmental (Transducers).....		(\$6,402.61)
Priest Lake Improvement Study (16-Mar-16).....		(\$917,725.21)
Priest Lake Construction Project Contribution.....		(\$830,864.50)
Treasureton Irrigation Ditch Co.....		(\$5,000.00)
<b>Mountain Home AFB Water Sustainability Project (29514)</b>		
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$4,000,000.00	
JR Simplot - WR Purchase.....	(\$2,500,000.00)	
LeMoyné Appraisal LLC.....	(\$10,500.00)	
IWRB WSB Lease Application.....	(\$750.00)	
Integrated Delivery Solutions - Mark Alpert.....	(\$34,459.18)	
Brown & Caldwell - Owner's Advisor.....	(\$1,218,298.11)	
SPF Engineering - WR Transfer.....	(\$118,715.75)	
Skinner-Fawcett - Bond Counsel.....	(\$31,602.41)	
Pillsbury, Winthrop, & Shaw - DBO Counsel.....	(\$79,839.30)	
Project Costs (mailings, travel, teleconference calls).....	(\$1,769.91)	
Publishing Costs.....	(\$1,648.16)	
Water District 02 Assessments.....	(\$2,417.18)	
<b>Balance for Mountain Home AFB Water Sustainability Project.....</b>		<b>\$0.00</b>
<b>Galloway Dam &amp; Reservoir Project (29517)</b>		
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$2,000,000.00	
Galloway Dam & Reservoir Project Costs (HB 479).....	(\$124,649.52)	
<b>Balance Galloway Dam &amp; Reservoir Project.....</b>		<b>\$1,875,350.48</b>
<b>Boise River (Arrowrock Enlargement) Feasibility Study (29518)</b>		
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$1,500,000.00	
Boise River (Arrowrock Enlargement) Feasibility Study Costs (HB479).....	(\$1,500,000.00)	
<b>Balance Boise River (Arrowrock Enlargement) Feasibility Study (HB479).....</b>		<b>\$0.00</b>
<b>Island Park Enlargement (29520)</b>		
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$2,500,000.00	
Island Park Enlargement Costs (HB 479).....	(\$174,170.00)	
<b>Balance Island Park Enlargement (HB 479).....</b>		<b>\$2,325,830.00</b>
<b>Water Supply Bank Computer Infrastructure (29519)</b>		
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$500,000.00	
Water Supply Bank Computer Infrastructure Costs (HB 479).....	(\$497,350.75)	
<b>Balance Water Supply Bank Computer Infrastructure (HB 479).....</b>		<b>\$2,649.25</b>
<b>Cash Balance of Legislative Appropriation 2014, HB 479 Sec 1 and 2.....</b>		<b>\$4,203,829.73</b>
<b>Minidoka Dam Enlargement/Teton Dam Replacement Studies (29510)</b>		
Legislative Appropriation 2008, SB1511 Sec 2, Minidoka/Teton Studies.....	\$1,800,000.00	
Legislative Appropriation 2008, SB1511 Sec 2, Minidoka Studies Expenditures.....	(\$1,229,460.18)	
<b>Balance for Minidoka Dam Enlargement/Teton Dam Replacement Studies.....</b>		<b>\$570,539.82</b>
<b>Priest Lake Water Management Project (29521)</b>		
Legislative Appropriation (2018, HB 677 Sec 5).....	\$2,400,000.00	
Legislative Approval (2018, HB 677 Sec 6).....	\$2,419,580.50	
Transfer to Priest Lake Construction Project.....	(\$4,169,135.50)	
Bonner County Contribution.....	\$160,000.00	
Sandpiper Shores Contribution.....	\$10,000.00	
Legislative Approval (2020, HB 645 Sec 7).....	\$410,000.00	
Interest Earned State Treasury.....	\$169,512.58	
<b>Total Priest Lake Water Management Project Revenue.....</b>		<b>\$1,399,957.58</b>
Contract Expenditures - Mott MacDonald (CON01426).....	(\$638,162.35)	
Dam Operator Contracts (CON01445, CON01453, CON01454).....	(\$9,078.20)	

Misc Expenditures.....	(\$8,052.62)	
Builder's Risk Insurance.....	(\$5,515.00)	
IDL Mineral Lease Bond.....	(\$2,000.00)	
<b>Total Priest Lake Water Management Project Expenditures.....</b>		<b>(\$662,808.17)</b>
<b>Cash Balance Priest Lake Water Management Project.....</b>		<b>\$737,149.41</b>
Committed Funds		
Dam Operator Contracts (CON01445, CON01453, CON01454).....	\$0.00	
Dam Operator Contracts (CON01541, CON01542).....	\$45,000.00	
Mott MacDonald Contract (CON01426).....	\$0.00	
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$45,000.00</b>	
<b>Uncommitted Priest Lake Water Management Project Balance.....</b>		<b>\$692,149.41</b>
<b>Priest Lake Construction Project (29522)</b>		
Transfer to Priest Lake Construction Project.....	\$4,169,135.50	
Contribution from Uncommitted Funds.....	\$830,864.50	
Local Contribution.....	\$0.00	
<b>Total Priest Lake Construction Project Revenue.....</b>		<b>\$5,000,000.00</b>
Mott MacDonald Expenditures (CON01484).....	(\$570,138.83)	
Strider Construction - Outlet Dam Expenditures (CON01480).....	(\$642,847.09)	
Strider Construction - Thorofare Expenditures (CON01481).....	(\$1,810,178.97)	
IDL Mineral Lease.....	(\$160.00)	
<b>Total Priest Lake Construction Project Expenditures.....</b>		<b>(\$3,023,324.89)</b>
<b>Cash Balance Priest Lake Construction Project.....</b>		<b>\$1,976,675.11</b>
Committed Funds		
Mott MacDonald Contract (CON01484).....	\$104,805.17	
Strider Construction - Outlet Dam (CON01480).....	\$958,261.91	
Strider Construction - Thorofare (CON01481).....	\$301,608.84	
Construction Contingency.....	\$611,999.19	
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$1,976,675.11</b>	
<b>Uncommitted Priest Lake Construction Project Balance.....</b>		<b>\$0.00</b>

<b>Bell Rapids Water Rights Sub-Account</b>		
Legislative Appropriation 2005, HB392.....	\$21,300,000.00	
Bureau of Reclamation Payments Received.....	\$29,446,335.46	
Remaining balance in ESPA Sub-Account.....	\$341,759.55	
Water Supply Bank Payments - Owner's Share.....	\$23,580.00	
Interest Earned State Treasury.....	\$698,613.04	
<b>Total Bell Rapids Water Rights Sub-Account Revenue.....</b>		<b>\$51,810,288.05</b>
Bell Rapids Purchase.....	(\$22,041,697.55)	
Transfer to General Fund - P&I.....	(\$22,072,052.06)	
Payment to US Bank for Alternative Financing Note .....	(\$7,118,125.86)	
Payment for Water District 02 Assessments.....	(\$105,708.60)	
Payment for Ongoing Bell Rapids Finance Costs (trustee fees, water bank	(\$6,740.10)	
<b>Total Bell Rapids Water Rights Sub-Account Expenditures.....</b>		<b>(\$51,344,324.17)</b>
<b>Cash Balance Bell Rapids Water Rights Sub-Account.....</b>		<b>\$465,963.88</b>
Committed Funds		
Ongoing Bell Rapids Finance Costs (trustee fees, WD02).....	\$442,383.88	
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$442,383.88</b>	
<b>Uncommitted Bell Rapids Water Rights Sub-Account Balance.....</b>		<b>\$23,580.00</b>
<b>Pristine Springs Project Sub-Account</b>		
Rental Payments to be Transferred to Secondary Aquifer Fund.....	\$961,675.10	
Loan Interest.....	\$2,778,549.97	
Loan Principal from Magic Valley & North Snake GWD.....	\$6,401,096.05	
<b>Total Pristine Springs Project Revenue to be Transferred.....</b>		<b>\$10,141,321.12</b>
Total Pristine Springs Project Revenue Transferred to 0129-01.....	(\$5,129,300.00)	
Total Pristine Springs Project Revenue Transferred to 0129.....	(\$4,296,000.00)	
<b>Total Pristine Springs Project Sub-Account Transfers.....</b>		<b>(\$9,425,300.00)</b>
<b>Cash Balance Pristine Springs Sub-Account.....</b>		<b>\$716,021.12</b>
Pristine Springs Committed Funds		
Loan Payments to be transferred to 0129.....	\$716,000.00	
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$716,000.00</b>	
<b>Loans Outstanding for Purchase of PS Water Rights</b>		
Loan to North Snake & Magic Valley GWD.....	\$10,000,000.00	
Payments from North Snake & Magic Valley GWD.....	(\$6,401,096.05)	
Total Loans Outstanding.....	\$3,598,903.95	
<b>Uncommitted Pristine Springs Sub-Account.....</b>		<b>\$21.12</b>
<b>Rathdrum Prairie CAMP &amp; Treasure Valley CAMP Sub-Account</b>		
Pristine Springs Hydropower and Rental Revenues.....	\$271,672.34	
Interest Earned State Treasury.....	\$573.11	
<b>Rathdrum Prairie CAMP &amp; Treasure Valley CAMP Sub-Account Revenue.....</b>		<b>\$272,245.45</b>
Spokane River Forum.....	(\$23,000.00)	
Treasure Valley Water Quality Summit.....	(\$500.00)	
Kootenai-Shoshone Soil & Water Cons. Dist. - Agrimet Station.....	(\$20,000.00)	
Rathdrum Prairie-Spokane Valley Aquifer Pumping Study (CON00989).....	(\$70,000.00)	
Idaho Washington Aquifer Collaborative.....	(\$10,000.00)	
<b>Rathdrum Prairie CAMP &amp; Treasure Valley CAMP Sub-Account Expenditures.....</b>		<b>(\$123,500.00)</b>
<b>Cash Balance Rathdrum Prairie CAMP &amp; Treasure Valley CAMP Sub-Account.....</b>		<b>\$148,745.45</b>
Committed Funds		
Spokane River Forum.....	\$0.00	
<b>TOTAL COMMITTED FUNDS.....</b>	<b>\$0.00</b>	
<b>Uncommitted Rathdrum Prairie CAMP &amp; TV CAMP Sub-Account.....</b>		<b>\$148,745.45</b>
<b>Upper Salmon/CBWTP Sub-Account</b>		
Water Transaction Projects Payment Advances from CBWTP/accord .....	\$6,752,814.03	
PCSRF Funds for Admin of Non-Diversion Easements on Lemhi River.....	\$207,837.16	
Interest Earned State Treasury.....	\$365,060.76	
<b>Upper Salmon/CBWTP Sub-Account Revenue.....</b>		<b>\$7,325,711.95</b>
Transfer to Water Supply Bank.....	(\$111,479.08)	
Change of Ownership.....	(\$600.00)	
Appraisals/Closing Costs.....	(\$13,905.98)	
Payments for Water Acquisition .....	(\$3,265,586.30)	
<b>Upper Salmon/CBWTP Sub-Account Expenditures.....</b>		<b>(\$3,391,571.36)</b>
<b>Cash Balance CBWTP Sub-Account.....</b>		<b>\$3,934,140.59</b>
Committed Funds		
<b>Bar G Farms (Pahsimeroi- Little Mud).....</b>	<b>(\$5,434.59)</b>	
<b>Karl Tyler (Leadore Land Partners).....</b>	<b>\$87,770.27</b>	
Administration of Non-Diversion Easements on Lemhi River.....	\$133,160.61	
Bayhorse Creek (Peterson Ranch).....	\$25,601.48	
Badger Creek (OWBP) WSB.....	\$2,389.10	
Beaver Creek (DOT LLP).....	\$103,866.78	
Big Timber Tyler (Leadore Land Partners).....	\$357,422.66	
Bohannon Creek DJ (Barbara Stokes).....	\$810,956.51	
Bohannon Creek BS (Betty Stokes).....	\$398,792.66	
Canyon Creek/Big Timber Creek (Beyeler).....	\$341,020.83	
Carmen Creek (Bill Slavin).....	\$191,409.96	
Carmen Creek (Bruce Slavin).....	\$120,111.25	
Fourth of July Creek (Defiance Investments).....	\$13,301.09	
Iron Creek (Koncz).....	\$148,477.23	
Kenney Creek Source Switch (Gail Andrews).....	\$19,989.32	
Lemhi - Big Springs (Merrill Beyeler).....	\$49,385.38	
Lemhi River & Little Springs Creek Kauer (McFarland Livestock Co).....	\$16,390.46	
Little Springs Creek (Snyder).....	\$219,222.27	
Lower Eighteenmile Creek (Ellsworth Angus Ranch).....	\$1,777.78	
Lower Lemhi Thomas (Robert Thomas).....	\$900.00	
P-9 Bowles (River Valley Ranch).....	\$203,309.76	
P-9 Charlton (Sydney Downton).....	\$13,510.62	
P-9 Downton (Western Sky LLC).....	\$161,900.16	
P-9 Elzinga (Elzinga).....	\$200,257.25	

Patterson-Big Springs PBSC9 (Silver Bit Angus/S Whitworth).....	\$148,216.48	
Pole Creek (Salmon Falls Land).....	\$585,122.27	
Pratt Creek (Mulkey).....	\$76,219.28	
Spring Creek (Richard Beard).....	\$1,562.61	
Spring Creek (Ella Beard).....	\$2,285.76	
Whitefish (Leadore Land Partners).....	\$115,818.95	
Total Committed Funds.....	\$4,544,714.19	
<b>Uncommitted CBWTP Sub-Account Balance.....</b>		<b>(\$610,573.60)</b>
<b>Water Supply Bank Sub-Account</b>		
Interest Earned State Treasury.....	\$34,883.91	
Payments received from renters.....	\$5,117,259.77	
Payments made to owners.....	(\$4,619,865.40)	
<b>Cash Balance Water Supply Bank Sub-Account.....</b>		<b>\$532,278.28</b>
Committed Funds:		
Owners Share.....	\$497,394.37	
Total Committed Funds.....	\$497,394.37	
<b>Uncommitted Water Supply Bank Sub-Account Balance.....</b>		<b>\$34,883.91</b>
<b>Eastern Snake Plain Sub-Account</b>		
Legislative Appropriation 2005, HB392.....	\$7,200,000.00	
Legislative Appropriation 2005, HB392, CREP Program.....	\$3,000,000.00	
Interest Earned State Treasury.....	\$2,078,899.22	
Loan Interest.....	\$282,192.24	
Reimbursement from Commerce & Labor W-Canal.....	\$74,709.77	
Reimbursement from MVGWD & NSGWD-Pristine Springs.....	\$1,000,000.00	
Reimbursement from Water District 1 for Recharge.....	\$159,764.73	
Reimbursement from BOR for Palisades Reservoir.....	\$2,381.12	
Black Canyon Exchange Project Revenues.....	\$23,800.00	
<b>Eastern Snake Plain Sub-Account Revenue.....</b>		<b>\$13,821,747.08</b>
Installment payments to Bell Rapids Irr Co.....	(\$3,375,180.00)	
Interest Credit due to Bureau of Reclamation (Part of Fourth Installment) ..	(\$19,860.45)	
Pristine Springs Project Costs.....	(\$6,863.91)	
Palisades (FMC) Storage Costs.....	(\$3,524,612.13)	
W-Canal Project Costs.....	(\$326,834.11)	
Additional recharge projects preliminary development.....	(\$7,919.75)	
Transfer to Bell Rapids Sub Account.....	(\$341,759.55)	
Transfer to Pristine Springs Sub Account.....	(\$1,000,000.00)	
Transfer to Priest Lake Sub-Account (2018 HB 677, Sec 6).....	(\$2,419,580.50)	
<b>Eastern Snake Plain Sub-Account Expenditures.....</b>		<b>(\$12,138,027.02)</b>
<b>Cash Balance Eastern Snake Plain Sub-Account.....</b>		<b>\$1,683,720.06</b>
Loans and Other Commitments		
Commitment - Additional recharge projects preliminary development.....	\$337,594.00	
Commitment - Palasades Storage O&M.....	\$3,221.64	
Commitment - Black Canyon Exchange Project (fund with ongoing revenue)	\$442,252.95	
Total Loans and Other Commitments.....	\$783,068.59	
<b>Eastern Snake Plain Sub-Account Balance after Commitments.....</b>		<b>\$900,651.47</b>
CREP Loans Outstanding:		
American Falls-Aberdeen GWD (CREP).....	\$24,845.18	
Bonneville Jefferson GWD (CREP).....	\$19,599.16	
Magic Valley GWD (CREP).....	\$23,427.81	
North Snake GWD (CREP).....	\$0.00	
TOTAL ESP CREP LOANS OUTSTANDING.....	\$67,872.15	
<b>Uncommitted Eastern Snake Plain Sub-Account Balance.....</b>		<b>\$832,779.32</b>
<b>Dworshak Hydropower Project</b>		
Power Sales & Other.....	\$12,944,095.73	
Interest Earned State Treasury.....	\$922,267.99	
<b>Total Dworshak Project Revenue.....</b>		<b>\$13,866,363.72</b>
Transferred to 1st Security Trustee Account.....	\$148,542.63	
Construction not paid through bond issuance.....	\$226,106.83	
First Security Fees.....	\$314,443.35	
Operations & Maintenance.....	\$3,222,581.33	
Powerplant Repairs.....	\$180,409.72	
Bond payoff.....	\$391,863.11	
Capital Improvements.....	\$318,366.79	
FERC Payments.....	\$127,036.68	
<b>Total Dworshak Project Expenditures.....</b>		<b>(\$4,929,350.44)</b>
<b>Cash Balance Dworshak Hydropower Project.....</b>		<b>\$8,937,013.28</b>
Dworshak Project Committed Funds		
Emergency Repair/Future Replacement Fund.....	\$5,486,683.83	
FERC Fee Payment Fund.....	\$0.00	
Total Dworshak Project Committed Funds.....	\$5,486,683.83	
<b>Uncommitted Dworshak Hydropower Project Sub-Account Balance.....</b>		<b>3,450,329.45</b>
<b>TOTAL.....</b>		<b>\$29,474,250.28</b>
<b>Loans Outstanding:</b>	<b>Amount Loaned</b>	<b>Principal Balance</b>
A&B Irrigation District (Pipeline & Pumping Plant, Dec).....	\$3,500,000.00	\$2,681,443.96
A&B Irrigation District (Pipeline & Pumping Plant, Sept).....	\$3,500,000.00	\$2,827,439.73
Bee Line Water Association (Sep 23, 2014; System Improvements).....	\$600,000.00	\$559,153.10
Canyon County Drainage District No. 2 ( 28-Nov-12; Drain tile pipeline repla	\$35,000.00	\$8,391.89
Chaparral Water Association (21-Jan-11; Well deepening & improvement)..	\$68,000.00	\$3,084.48
Clearview Water Company.....	\$50,000.00	\$21,793.07
Consolidated Irrigation Company (July 20, 2012; pipeline project).....	\$500,000.00	\$410,719.21
Dalton Water Association.....	\$1,036,900.00	\$441,148.58
Evans Water Corporation & HOA.....	\$20,000.00	\$14,476.78
Foothill Ranch Homeowners Association (7-oct-11; well rehab).....	\$150,000.00	\$75,413.69
Goose Lake Reservoir Corp.....	\$320,000.00	\$248,626.52

Last Chance Canal Company (14-July-2015, diversion dam rebuild).....	\$2,500,000.00	\$1,797,076.87	
Lindsay Lateral Association (Engineering Design Project & Pipeline Study)...	\$19,700.00	\$0.00	
Marsh Center Irrigation Company (13-May-05; Hawkins Dam).....	\$236,141.00	\$0.00	
Marysville Irrigation Company (9-May-08, Pipeline Project Phase 2).....	\$1,100,000.00	\$155,367.02	
Milner Irrigation District (pipeline replacement).....	\$2,000,000.00	\$2,000,000.00	
North Fremont Canal Company (Pipeline Project Phase 3).....	\$4,300,000.00	\$2,495,835.44	
North Side Canal Company (Phase 1 - canal rehab project).....	\$1,846,092.61	\$1,532,140.57	
Outlet Water Association (22-Jan-16; new well & improvements).....	\$100,000.00	\$68,815.95	
Pinehurst Water District (23-Jan-15).....	\$100,000.00	\$27,615.17	
Point Springs Grazing Association (July 20, 2012; stock water pipeline).....	\$48,280.00	\$17,249.85	
Producers Irrigation Company.....	\$102,127.50	\$29,118.74	
St. Johns Irrigating Company (14-July-2015; pipeline project).....	\$1,417,905.22	\$1,178,423.10	
Twin Lakes Canal Company (Winder Lateral Pipeline Project).....	\$500,000.00	\$93,556.69	
Valley County Local Improvement District No. 1/Jughandle HOA (well project).....	\$907,552.00	\$387,346.04	
<b>TOTAL LOANS OUTSTANDING.....</b>			<b>\$17,074,236.45</b>
<b>Loans and Other Funding Obligations:</b>			
Reserved for Future Loans.....		\$0.00	
Milner Irrigation District (pipeline replacement).....		\$0.00	
North Fremont Canal Company.....		\$500,000.00	
Riverland Terrace Nonprofit Water .....		\$0.00	
<b>TOTAL LOANS AND OTHER FUNDING OBLIGATIONS.....</b>			<b>\$500,000.00</b>
<b>Uncommitted Funds.....</b>			<b>\$11,900,013.83</b>
<b>TOTAL.....</b>			<b>\$29,474,250.28</b>

(1) Actual amount needed may vary depending on final determination of water actually purchased and interest income received.

Idaho Water Resource Board  
Sources and Applications of Funds  
as of May 31, 2021  
WATER MANAGEMENT ACCOUNT

Original Appropriation (1978).....		\$1,000,000.00	
Transfer funds to General Account 1101(HB 130, 1983).....		(\$500,000.00)	
Legislative Appropriation (6/29/1984).....		\$115,800.00	
Legislative Appropriation (SB1239, 2001).....		\$200,000.00	
Interest Earned.....		\$123,766.23	
Filing Fee Balance.....		\$2,633.31	
Water Supply Bank Receipts.....		\$841,803.07	
Bond Fees.....		\$277,254.94	
Funds from DEQ and IDOC for Glenns Ferry Water Study.....		\$10,000.00	
Legislative Appropriation (HB988, 1994).....		\$75,000.00	
Reverted to General Account 6/30/95, (HB988, 1994).....		(\$35,014.25)	
Legislative Appropriation (SB1260, 1995, Aquifer Recharge, Caribou Dam).....		\$1,000,000.00	
Legislative Appropriation (SB1239, 2001, Sugarloaf Aquifer Recharge Project).....		\$60,000.00	
Reverted to General Fund 1/22/19, (SB1239, 2001, Sugarloaf Aquifer Recharge Project).....		(\$4,046.31)	
Legislative Appropriation (HB 843 Sec 6, 2004, ESPA Settlement Water Rentals).....		\$520,000.00	
Legislative Appropriation (SB1496, 2006, ESP Aquifer Management Plan).....		\$300,000.00	
Legislative Appropriation (HB 320, 2007, ESP Aquifer Management Plan).....		\$849,936.99	
Lemhi River Water Right Appraisals.....		(\$31,000.00)	
Legislative Audits.....		(\$10,645.45)	
IWRB Appraisal Study (Charles Thompson).....		(\$5,000.00)	
Western States Water Council Annual Dues.....		(\$7,500.00)	
Transfer to/from Revolving Development Account.....		(\$317,253.80)	
Recharge Projects.....		(\$11,426.88)	
Grants Disbursed.....		(\$1,632,755.21)	
Obligated 1994 (HB988).....		(\$39,985.75)	
SB1260, Aquifer Recharge.....		(\$947,000.00)	
SB1260, Soda (Caribou) Dam Study.....		(\$53,000.00)	
Sugarloaf Aquifer Recharge Project (SB1239, 2001).....		(\$55,953.69)	
ESPA Settlement Water Rentals (HB 843, 2004).....		(\$504,000.00)	
ESP Aquifer Management Plan (SB1496, 2006).....		(\$300,000.00)	
ESP Aquifer Management Plan (HB320, 2007).....		(\$801,077.75)	
<b>CASH BALANCE</b> .....			<b>\$120,535.45</b>
<b>Large Projects Program Sub-Account</b>			
Legislative Appropriation (HB 285, Sec 1, 2019).....	\$20,000,000.00		
Legislative Appropriation (SB 1121, Sec 1, 2021).....	\$50,000,000.00		
Interest Earned State Treasury.....	\$550,979.46		
<b>Total Revenue for Large Projects Program Sub-Account</b> .....			<b>\$70,550,979.46</b>
	\$0.00		
	\$0.00		
<b>Total Expenditures for Flood Management Program Sub-Account</b> .....			<b>\$0.00</b>
<b>Cash Balance for Large Projects Program Sub-Account</b> .....			<b>\$70,550,979.46</b>
<b>Water Quality Collection Program Sub-Account</b>			
Legislative Appropriation (HB 285, Sec 3, 2019).....	\$200,000.00		
Legislative Appropriation (HB 646, Sec 5, 2020).....	\$200,000.00		
Interest Earned State Treasury.....	\$5,123.60		
<b>Total Revenue for Water Quality Collection Program Sub-Account</b> .....			<b>\$405,123.60</b>
DOI-USGS Agreement FY 2020 - Mid-Snake River.....		(\$200,000.00)	
DOI-USGS Agreement FY 2021 - Mid-Snake River.....		(\$100,000.00)	
<b>Total Expenditures for Water Quality Collection Program Sub-Account</b> .....			<b>(\$300,000.00)</b>
<b>Cash Balance for Water Quality Collection Program Sub-Account</b> .....			<b>\$105,123.60</b>
<b>Flood Management Program Sub-Account</b>			
Legislative Appropriation (HB 712, Sec 1, 2018, Flood Management Program).....	\$1,000,000.00		
Legislative Appropriation (HB 285, Sec 3, 2019, Flood Management Program).....	\$800,000.00		
Legislative Appropriation (HB 646, Sec 5, 2020, Flood Management Program).....	\$800,000.00		
Interest Earned State Treasury.....	\$30,488.60		
<b>Total Revenue for Flood Management Program Sub-Account</b> .....			<b>\$2,630,488.60</b>
Grants Disbursed for Leg Approp (HB 712, Sec 1, 2018, Flood Mgmt Pg).....		(\$901,677.56)	
Grants Disbursed for Leg Approp (HB 285, Sec 3, 2019, Flood Mgmt Pg).....		(\$464,251.34)	
Grants Disbursed for Leg Approp (HB 646, Sec 5, 2020, Flood Mgmt Pg).....		(\$196,847.88)	
<b>Total Expenditures for Flood Management Program Sub-Account</b> .....			<b>(\$1,562,776.78)</b>
<b>Cash Balance for Flood Management Program Sub-Account</b> .....			<b>\$1,067,711.82</b>
<b>TOTAL</b> .....			<b>\$71,844,350.33</b>
<b>Grants and Other Funding Obligations</b>			
<b>Flood Management Program grants - Year 1 (HB712, Sec 1, 2018)</b>	<b>Grant Amount</b>	<b>Expenditures</b>	<b>Remaining Balance</b>
<i>Flood Control District 9 (CON01303).....</i>	<i>90,000.00</i>	<i>(\$4,851.70)</i>	<i>5,148.30</i>
<i>Blaine County (CON01304).....</i>	<i>121,331.00</i>	<i>(\$121,331.00)</i>	<i>0.00</i>
<i>Cassia County (CON01305).....</i>	<i>42,336.38</i>	<i>(\$19,618.16)</i>	<i>22,718.22</i>
<i>Flood Control District 10 (CON01306 - New Dry Creek River Bank).....</i>	<i>78,400.00</i>	<i>(\$62,156.50)</i>	<i>16,243.50</i>
<i>Flood Control District 10 (CON01307 - Duck Alley Pit Capture).....</i>	<i>153,550.00</i>	<i>(\$105,470.43)</i>	<i>48,079.57</i>
<i>Flood Control District 10 (CON01308 - Porter &amp; Mulchay Gravel Removal).....</i>	<i>38,808.00</i>	<i>(\$35,250.77)</i>	<i>3,557.23</i>
<i>Clearwater Soil &amp; Water Conservation Dist (CON01309).....</i>	<i>155,220.00</i>	<i>(\$155,219.00)</i>	<i>1.00</i>



<i>Flood Control District 10 (CON01310 - Leighton &amp; Wells Gravel Removal).....</i>	<i>22,000.00</i>	<i>(22,000.00)</i>	<i>0.00</i>
<i>Flood Control District 11 (CON01311).....</i>	<i>57,675.00</i>	<i>(55,100.00)</i>	<i>2,575.00</i>
<i>Twin Lakes/Flood Control Dist 17 (CON01312).....</i>	<i>7,750.00</i>	<i>(7,750.00)</i>	<i>0.00</i>
<i>Twin Falls Canal Company (CON01327).....</i>	<i>85,340.00</i>	<i>(85,340.00)</i>	<i>0.00</i>
<i>Nez Perce Soil &amp; Water Conservation Dist (CON01328).....</i>	<i>115,460.00</i>	<i>(115,460.00)</i>	<i>0.00</i>
<i>Riverside Village HOA (CON01329).....</i>	<i>6,025.00</i>	<i>(6,025.00)</i>	<i>0.00</i>
<i>City of Pocatello (CON01330).....</i>	<i>26,105.00</i>	<i>(26,105.00)</i>	<i>0.00</i>
<i>Uncommitted from HB712 Year 1.....</i>	<i>(98,322.82)</i>		<i>(98,322.82)</i>
<b>Total Committed Balance for Year 1.....</b>	<b>901,677.56</b>	<b>(901,677.56)</b>	<b>0.00</b>
<b>Flood Management Program grants - Year 2 (HB285, Sec 3, 2019)</b>			
<i>City of Boise (CON01396).....</i>	<i>6,371.00</i>	<i>(6,371.00)</i>	<i>0.00</i>
Blaine County (CON01397).....	100,000.00	(96,555.00)	3,445.00
<i>Board of Controls Irrigation (CON01398).....</i>	<i>59,050.00</i>	<i>(57,827.50)</i>	<i>1,222.50</i>
Clearwater Soil & Water Conservation District (CON01399).....	190,492.37	(190,490.18)	2.19
Clearwater Soil & Water Conservation District (CON01400).....	72,727.39	(72,629.03)	98.36
City of Hailey (CON01401).....	50,000.00	(19,841.33)	30,158.67
Flood Control District No. 10 (CON01402).....	160,000.00		160,000.00
<i>Idaho Soil and Water Conservation District (CON01403) CANCELLED.....</i>	<i>159,436.00</i>		<i>159,436.00</i>
<i>Idaho Soil and Water Conservation District (CON01404).....</i>	<i>21,619.50</i>	<i>(20,537.30)</i>	<i>1,082.20</i>
Blaine County (CON01405).....	50,000.00		50,000.00
<i>Uncommitted from HB285 Year 2.....</i>	<i>(161,740.70)</i>		<i>(161,740.70)</i>
<b>Total Committed Balance for Year 2.....</b>	<b>707,955.56</b>	<b>(464,251.34)</b>	<b>243,704.22</b>
<b>Flood Management Program grants - Year 3 (HB646, Sec 5, 2020)</b>			
Flood Control District 10 - Boise River North Channel (CON01510)	47,500.00		47,500.00
Flood Control District 10 - Boise River Canyon Reach 1 (CON01509)	175,000.00		175,000.00
<i>Idaho Soil &amp; Water Conservation District - Sill Creek (CON01488)</i>	<i>10,960.28</i>	<i>(10,960.28)</i>	<i>0.00</i>
Idaho Soil & Water Conservation District - Lower Cottonwood Creek (CON01489)	27,935.20		27,935.20
Idaho Soil & Water Conservation District - Clear Creek (CON01490)	18,570.60	(11,838.06)	6,732.54
City of Bellevue - Lower Howard Preserve (CON01491)	57,880.00	(57,162.24)	717.76
Clearwater Soil & Water Conservation District - Louse Creek (CON01492)	24,687.00		24,687.00
Pioneer Irrigation District - Mason Creek (CON01493).....	148,500.00		148,500.00
Raft River Flood Control District 15 - (CON01494)	80,525.00		80,525.00
Lewis Soil Conservation District - Alpine Road (CON01495).....	18,425.30	(18,425.30)	0.00
City of Orofino - Orofino Creek (CON01496).....	200,000.00	(47,500.00)	152,500.00
<i>Twin Falls Canal Company &amp; City of Twin Falls (CON01497)</i>	<i>50,962.00</i>	<i>(50,962.00)</i>	<i>0.00</i>
<i>Uncommitted from HB646 Year 3.....</i>	<i>0.00</i>		<i>0.00</i>
<b>Total Committed Balance for Year 3.....</b>	<b>860,945.38</b>	<b>(196,847.88)</b>	<b>664,097.50</b>
<b>Committed for Flood Management Grants.....</b>	<b>\$2,470,578.50</b>	<b>(\$1,365,928.90)</b>	<b>\$907,801.72</b>
<b>Other Funding Obligations</b>			
ESPA Settlement Water Rentals (HB 843, 2004).....		\$16,000.00	
Large Water Projects Program.....		\$70,550,979.46	
Water Quality Collection Program.....		\$150,000.00	
<b>Committed for Other Funding Obligations.....</b>		<b>\$70,716,979.46</b>	
Uncommitted Funds.....			<b>\$219,569.15</b>
<b>TOTAL COMMITTED FUNDS BALANCE.....</b>			<b><u>\$71,624,781.18</u></b>

*Bold and italicized indicates that project is completed and entity has received final payment*



**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF BENNINGTON IRRIGATING  
COMPANY FUNDING REQUEST

RESOLUTION TO AUTHORIZE FUNDING FOR  
THE REPLACEMENT OF DETERIORATED  
INFRASTRUCTURE

1 WHEREAS, Bennington Irrigating Company (Company) submitted a loan application to the Idaho  
2 Water Resource Board (IWRB) in the amount of \$200,000.00 to replace deteriorated piping and its main  
3 concrete flume (Project)  
4

5 WHEREAS, the Company, located in Bear Lake County, provides water to approximately 1,550  
6 acres of irrigated land within its service area; and  
7

8 WHEREAS, the aging infrastructure of the Company's delivery system is in need of imminent  
9 repairs to remain sustainable for future use; and  
10

11 WHEREAS, the necessary system improvements will provide a reliable, long term water supply  
12 for users within the Company's service area, helping to protect valuable agricultural lands within the  
13 State of Idaho; and  
14

15 WHEREAS, the total estimated cost for the Project is approximately \$257,000. The Company has  
16 secured grant funding in the amount \$34,050 from the Bear Lake Soil & Water Conservation District. The  
17 grant requires a two-thirds match, and will be funded by the Company in the amount of \$22,700; and  
18

19 WHEREAS, the Company is a qualified applicant and the proposed Project qualifies for a loan  
20 from the Board's Revolving Development Account; and  
21

22 WHEREAS, the proposed Project is in the public interest and is in compliance with the State  
23 Water Plan.  
24

25 NOW THEREFORE BE IT RESOLVED that the IWRB approves a loan not to exceed \$200,000 from  
26 the Revolving Development Account at 3.5% interest with a 15-year repayment term, and provides  
27 authority to the Chairman of the Idaho Water Resource Board, or his designee, to enter into contracts  
28 with the Company on behalf of the Board.  
29

30 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution and the approval of the loan are  
31 subject to the following conditions:  
32

- 33 1) The Company shall comply with all applicable rules and regulations that apply to the  
34 proposed Project.  
35 2) The Company will provide acceptable security for the loan to the IWRB including, but not  
36 limited to, the Company's water rights associated with the System and, all facilities and  
37 equipment associated with the Project.

DATED this 23<sup>rd</sup> day of July, 2021.

\_\_\_\_\_  
JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
JO ANN COLE-HANSEN, Secretary

Resolution No. \_\_\_\_\_

Page 2

# Memorandum



To: Idaho Water Resource Board

From: Neeley Miller, Planning & Projects Bureau

Date: July 14, 2021

Re: Flood Management Grant Applications and Ranking

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**Action: Consider resolution to award funds for 2021 Flood Management Grant Projects**

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## **FY 2021 Flood Management Grant Program**

Senate Bill 1190 passed and approved by the 2021 Legislature includes \$800K for the Flood Management Grant Program.

On April 26, 2021 the IWRB adopted by resolution proposed criteria establishing an application deadline of Friday June 18, 2021.

Staff received a total of twelve (12) applications. The applications and sponsor's grant documents were evaluated, scored, and ranked according to criteria adopted by Board. Staff reviewed the application with the Finance Committee and the Committee recommended funding for the top ten highest ranked projects as identified in the application ranking spreadsheet attached to the resolution.

### **Attachment(s):**

Funding Resolution w/attached Project Application Ranking Sheet

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF FLOOD  
MANAGEMENT GRANTS

RESOLUTION TO AWARD 2021 FUNDS

1           WHEREAS, House Bill 1190 passed and approved by the Idaho Legislature transferred  
2 \$800,000 from the General Fund to the Water Management Fund for a Flood Management Grant  
3 Program administered by the Idaho Water Resources Board (IWRB) to be used for the purpose  
4 of flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or  
5 flood prevention projects; and

6  
7           WHEREAS, House Bill 1190 allows for the award of grants larger than \$50,000 for the  
8 Flood Management Program, at the discretion of the IWRB; and

9  
10          WHEREAS, House Bill 1190 directs the IWRB to require the availability of fifty percent  
11 (50%) matching funds for all projects to be considered under the grant program; and

12  
13          WHEREAS, House Bill 1190 directs the IWRB to prioritize projects on a competitive  
14 statewide basis; and

15  
16          WHEREAS, on April 26, 2021 the IWRB adopted criteria for the award of Flood  
17 Management Grants, and

18  
19          WHEREAS, several of the grant awards from previous years were completed under budget  
20 totaling \$243,000. These carryover funds when combined with the 2021 legislative appropriation  
21 total \$1,043,000 that may be awarded for 2021 Flood Management Projects; and

22  
23          WHEREAS, twelve (12) Flood Management Grant applications were received by the  
24 deadline of Friday June 18, 2021 and the applications were evaluated, scored and ranked  
25 according to the criteria adopted by IWRB; and

26  
27          WHEREAS, the Finance Committee met and discussed the projects, and recommended  
28 the IWRB provide funding for top ten (10) ranked projects; and

29  
30          NOW, THEREFORE BE IT RESOLVED that the IWRB approves the award of Flood  
31 Management Grants as specified in the Application Ranking Sheet attached to this resolution.  
32

DATED this 23<sup>rd</sup> day of July, 2021.

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Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST 

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Jo Ann Cole-Hansen, Secretary

## 2021 Flood Management Grant Application Ranking and Awards

Entity	Funds Requested	Total Project Costs	Final Evaluation Score	Final Rankings	Awarded Funding
North Side Canal Company - Red Bridge Flood Management Storage Pond	\$200,000.00	\$864,000.00	94	1	\$200,000
Flood District 9 - Bellevue Side Channel Project	\$111,508.00	\$284,033.00	90	2	\$111,508
Nez Perce County and NPSWCD - Streambank Project	\$100,000.00	\$227,176.00	83	3	\$100,000
Flood District 17 - Rathdrum Creek Debris Project	\$6,375.00	\$12,750.00	80	4	\$6,375
Adams Soil & Water Conservation District - Grays Creek Project	\$17,606.40	\$35,728.00	79	5	\$17,606
Clearwater Soil & Water Conservation District - Heywood Bridge Project	\$37,475.00	\$75,117.00	79	6	\$37,475
Clearwater Soil & Water Conservation District - Swanson's Loop Project	\$200,000.00	\$409,487.00	76	7	\$200,000
Reid Canal Company - Bannock Feeder Project	\$200,000.00	\$429,266.29	76	8	\$200,000
Lewis Soil & Water Conservation District - Tiede Road Flood Project	\$71,909.80	\$144,118.60	73	9	\$71,910
Idaho Soil & Water Conservation District - Clear Creek Project	\$36,061.60	\$73,904.60	71	10	\$36,062
City of Ponderay - Neighborhood Drainage Project	\$70,000.00	\$148,000.00	68	11	\$0
Flood District 1 - Culvert and Levee Project	\$25,000.00	\$50,000.00	46	12	\$0
<b>Total funds requested</b>	<b>\$1,075,935.80</b>	<b>\$2,753,580.49</b>			

Total: \$980,936

## IDAHO WATER RESOURCE BOARD

### Priority Water Projects that provide would basin-wide, regional, or state-wide benefits

<b>Tier 1 Projects</b>			
Mountain Home Air Force Base Sustainable Water Project	\$30,000,000	IWRB	<ul style="list-style-type: none"> <li>a) Provide a reliable long-term water supply for the Base from the Snake River to replace the Base's use of declining Mountain Home Aquifer.</li> <li>b) State to build pump station and pipeline at estimated cost of \$28M</li> <li>c) Federal Government to build water treatment plant at estimated cost of \$49M.</li> </ul>
Anderson Ranch Reservoir Enlargement	\$90,000,000	IWRB	<ul style="list-style-type: none"> <li>d) Anticipated total cost of \$90 million (\$80 million non-federal).</li> <li>e) Goal: Full payment without reliance on bonding authority.</li> <li>f) Limitation: WIIN Act funds allow only up to 50% funding from federal sources.</li> <li>g) Utilize funds in Water Management Account for \$45 million of total funding (non-federal source).</li> <li>h) \$10 million (Federal WIIN Act) + \$35 million (COVID) + \$45 million (WMA current assets) = \$90M.</li> <li>i) Requires modified allocation of WMA funds.</li> <li>j) IWRB to allocate new reservoir space to various uses in Treasure Valley – water users to repay their proportionate share over time.</li> </ul>
Large Upper Valley ESPA Aquifer Recharge Project	\$75,000,000	IWRB	
Aging Water Infrastructure Repair Fund	\$50,000,000	IWRB	<ul style="list-style-type: none"> <li>a) IWRB's Revolving Fund</li> <li>b) To be used for repair / replacement</li> </ul>
Cloud seeding infrastructure in additional basins	\$8,000,000	IWRB	<ul style="list-style-type: none"> <li>a) Install cloud seeding generators and other equipment in basins IWRB selects without current program, potentially including the Bear, Raft, Goose Creek, Lemhi, Lost and others.</li> <li>b) Operations to be paid through Secondary Fund.</li> </ul>
Lewiston Orchards Exchange Project	\$35,000,000	IWRB	Construct remaining wells and other infrastructure to fully enact water exchange between Lewiston Orchards Irrigation District and Nez Perce Tribe.
<b>TOTAL – TIER 1</b>	<b>\$288,000,000</b>		

<b>Tier 2 Projects</b>			
Bear Lake Additional Storage	\$15,000,000	IWRB	Various projects and easement acquisitions to increase Bear River channel capacity to carry flood flows downstream of Bear Lake and allow more water storage in Bear Lake.
Mountain Home Aquifer Water Supply	\$50,000,000	IWRB	Offset use of declining Mountain Home Aquifer
Governors Salmon Work Group Projects	\$80,000,000	IWRB/OSC/ IDFG	a) Projects include: <ul style="list-style-type: none"> <li>i. New water supply pipeline from Dworshak Dam to optimize hatchery production. Also includes hydropower plant on pipeline that would feed money back into WMA over time. (Approx. \$60 million)</li> <li>ii. Infrastructure &amp; habitat improvements in Salmon and Clearwater Basins.</li> <li>iii. Reconvene the Salmon Workgroup to provide recommendations on expenditures.</li> </ul>
New York Canal Lining	\$50,000,000	IWRB	a) Line New York canal through Boise for public safety and water conservation b) May need cost share/repayment agreement
Raft River Pipeline	\$30,000,000	IWRB	a) Pipeline from Snake River to offset GW pumping in Raft River Basin – water right permit is issued. b) May need cost share/repayment agreement
<b>TOTAL – TIER 2</b>	<b>\$225,000,000</b>		

<b>Tier 3 Projects</b>			
Lemhi Basin Aquifer Recharge	\$5,000,000	IWRB	a) Construct infrastructure needed to develop aquifer recharge program in Lemhi Basin. b) Subject to final settlement agreement. c) Operations to be paid through secondary Fund
Lost Valley Reservoir Enlargement	\$50,000,000	IWRB	a) Enlarge Lost Valley Reservoir by 20,000 AF b) IWRB to own new reservoir space and allocate it out to various uses in Weiser River Basin.
Palouse Basin Aquifer Water Supply	\$70,000,000	IWRB	a) Construct new water supply and pipeline to bring water into the Moscow area and reduce use of declining Palouse Basin Aquifer b) May need interstate agreement with Washington and City of Pullman
Community Water Supply Projects	\$50,000,000	DEQ or IWRB	Augment DEQ's Drinking Water SRF or IWRB Revolving Fund for this purpose
Flood Management Grant projects	\$5,000,000	IWRB	Augment IWRB's flood management grant program.
Water quality projects statewide	\$30,000,000	DEQ	Exact program allocation to be at DEQ Board's discretion.



Water Management Account & Secondary Aquifer Fund	\$100,000,000	IWRB	Augment Water Management Account and Secondary Aquifer Fund for future water projects
Municipal water re-use projects	\$20,000,000	IWRB	
<b>TOTAL – TIER 3</b>	<b>\$330,000,000</b>		

<b>GRAND TOTAL</b>	<b>\$843,000,000</b>		
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# Memorandum

To: Idaho Water Resource Board  
From: Brian Patton  
Date: July 9, 2021  
Re: Ririe Reservoir Flood Control Rule Curve Modification



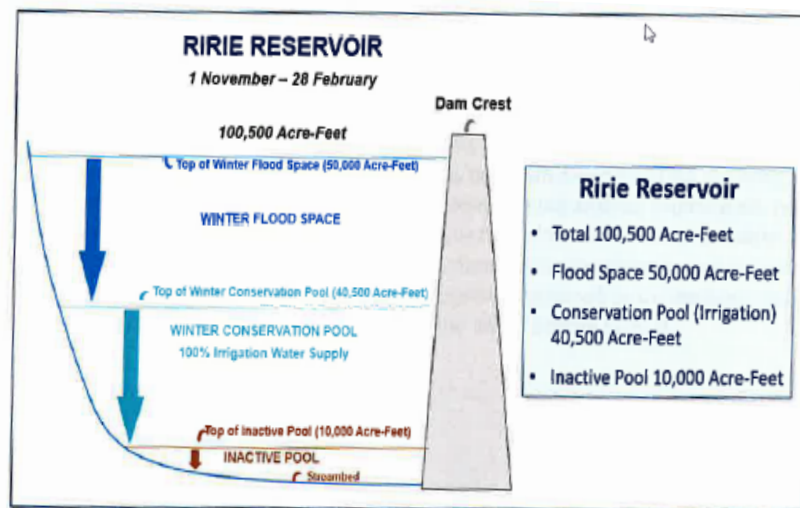
**REQUIRED ACTION:** Consider authorizing funds and entering into a contract with Mitigation, Inc. to cost share the effort to modify the flood control rule curves at Ririe Reservoir

Ririe Reservoir is located on Willow Creek, a tributary to the Snake River near Idaho Falls. Ririe was completed in 1977 for flood control, irrigation and recreation purposes. It is operated by the U.S Bureau of Reclamation, however, the flood control operations are administered by the Corps of Engineers. Ririe was built partially in response to several winter floods on Willow Creek that caused considerable damage in Idaho Falls and surrounding areas.



Following the 1990 Fort Hall Indian Water Rights Agreement the storage space in Ririe was contracted to Mitigation, Inc., which is comprised of those canal companies and irrigation districts in of Upper Snake River Basin that had the relative water right priorities affected by the Fort Hall Agreement. In practice, Mitigation Inc. is comprised of every significant canal that diverts upstream of American Falls Reservoir except for Aberdeen-Springfield.

In part because of the flood control operating requirements at Ririe the reservoir is difficult to fill and water supply from the reservoir is unreliable. The following chart illustrates the winter-time reservoir



Ririe Winter-time Reservoir Space Allocation

space allocation. 50,000 AF of flood control space must be held open between November 1 and February 28 every winter regardless of water supply and snow pack conditions. This places restrictions on reservoir fill during the winter, and in some years requires evacuation of stored water, even during dry years with minimal flood risk.

In the Water Infrastructure Improvements for the Nation Act (WIIN Act) of 2016, the Army Corps of Engineers received authority from Congress to evaluate a modification to the way Ririe is operated to make more water supply available if the change does not interfere with the project's authorized purposes, including flood control, and the costs are borne by non-federal parties.

Mitigation Inc., through Idaho Irrigation District, has entered into an agreement with the Corps to undertake this analysis. The scope of work has the following elements and estimated costs:

Phase 1: Updated Flood Risk Evaluation	\$480,000
Phase 2: Additional Water Storage Analysis, Review, and Approval	1,194,083
Phase 3: Implementation of Recommendation	<u>22,910</u>
<b>TOTAL ARMY CORPS WORK</b>	<b>\$1,696,993</b>
 Bureau of Reclamation analysis and documentation	 \$250,000
 <b>GRAND TOTAL</b>	 <b>\$1,946,993</b>

Phase 1 has been completed at Mitigation Inc's cost. The results of Phase 1 appear promising for additional water to be stored in the reservoir. Phase 2 is ready to begin.

The 2021 legislature passed two pieces of legislation regarding this Ririe Reservoir effort:

- *SCR 104* which encourages the IWRB to participate in the effort to modify storage operations and increase water storage availability at Ririe Reservoir, and
- *SB 1190* which, among other things, authorizes the IWRB to utilize up to \$4,201,000 of previously-appropriated funds located in the Revolving Development Account for the Ririe Reservoir effort, or other projects that would expand water storage in Idaho.

This Ririe Reservoir effort has the potential to increase water storage in the Upper Snake River Basin at relatively little cost and without significantly adversely affecting the flood control purpose, and so fits with the IWRB overall effort to increase water storage in Idaho.

**Attached to this memo is a resolution that would authorize up to \$1.47 million to be spent for this Ririe Reservoir Flood Control Rule Curve Modification and to enter in an agreement with Mitigation Inc.** It is anticipated this would pay for Phases 2 and 3 of the Army Corps' work and the Bureau of Reclamation's work. Recall that Mitigation Inc. has already paid for Phase 1 of the Army Corps work.

**Attachments:** 1) *IWRB resolution for consideration*  
2) *Senate Concurrent Resolution 104*  
2) *Ririe Reservoir, Idaho Preliminary Updated Flood Risk Evaluation and Additional Water Storage Analysis Study Plan, USACE – 26 November 2018*  
3) *Potential Reclamation Work Related to Modification to Ririe Reservoir Flood Risk Management Requirements*

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE RIRIE RESERVOIR

RESOLUTION TO APPROVE FUNDS AND  
PROVIDE SIGNATORY AUTHORITY

1 WHEREAS, Ririe Reservoir is located in Willow Creek, a tributary to the Snake River, near Idaho  
2 Falls, and was constructed by the Federal Government for flood control, irrigation, and recreational  
3 purposes; and  
4

5 WHEREAS, Ririe Reservoir was completed in 1977 and flood control authority is administered by  
6 the Army Corps of Engineers while the other project functions are administered by the Bureau of  
7 Reclamation; and  
8

9 WHEREAS, following the 1990 Fort Hall Indian Water Rights Agreement, the storage space in Ririe  
10 Reservoir was allocated to Mitigation, Inc., which is comprised of those canal companies and irrigation  
11 districts in the Upper Snake River Basin that had the relative water right priorities impacted by the Fort  
12 Hall Settlement Agreement; and  
13

14 WHEREAS, in part, because of the flood control operating requirements at Ririe the reservoir is  
15 difficult to fill and water supply from the reservoir is unreliable; and  
16

17 WHEREAS, utilizing authority provided to the Corps of Engineers in the Water Infrastructure  
18 Improvements for the Nation Act (WIIN Act) of 2016, and with the consent of the Bureau of Reclamation,  
19 Mitigation Inc., through the Idaho Irrigation District, entered into an agreement with the Corps to increase  
20 the amount of available water supply in Ririe Reservoir; and  
21

22 WHEREAS, the work to be done under the agreement with the Army Corps of Engineers consists  
23 of three phases estimated at \$1,696,993 million. In addition, assuming the Corps' work results in a change  
24 in storage operations, Reclamation will also have some tasks requiring non-federal funds estimated at  
25 \$250,000; and  
26

27 WHEREAS, Mitigation Inc. has already paid for the first phase of the work totaling \$480,000; and  
28

29 WHEREAS, House Joint Memorial 8 passed and approved by the 2008 Legislature directed the  
30 Idaho Water Resource Board (IWRB) to evaluate and implement projects that result in increased water  
31 storage in Idaho for various purposes; and  
32

33 WHEREAS, Senate Concurrent Resolution 104 passed and approved by the 2021 Legislature  
34 encouraged the IWRB to participate in the effort to modify storage operations and increase water storage  
35 availability at Ririe Reservoir; and  
36

37 WHEREAS, Senate Bill 1190, passed and approved by the 2021 Legislature authorizes the IWRB to  
38 utilize up to \$4,201,000 of previously-appropriated funds located in the Revolving Development Account  
39 for the Ririe Reservoir effort and studies, or other projects that would expand water storage in Idaho; and

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40  
41 WHEREAS, the Ririe Reservoir effort has the potential to increase water storage in the Upper  
42 Snake River Basin at relatively little cost and without significantly adversely affecting the flood control  
43 purpose.  
44

45 NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes expenditure of up to \$1.47 million  
46 for the Ririe Reservoir Flood Control Rule Curve Modification.  
47

48 NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee,  
49 to execute the necessary agreements with Mitigation Inc. for the Ririe Reservoir Flood Control Rule Curve  
50 Modification.

DATED this 23<sup>rd</sup> day of July, 2021.

\_\_\_\_\_  
JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
JO ANN COLE-HANSEN, Secretary

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 104

BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING THE CHANGE IN THE WINTER FLOOD CONTROL RULE CURVES OF THE RIRIE RESERVOIR PROJECT TO MORE PROPERLY BALANCE RIRIE RESERVOIR WATER SUPPLY AND IRRIGATION SUPPLIES WITH ADEQUATE FLOOD CONTROL.

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

WHEREAS, the flood control rule curves for Ririe Reservoir were developed prior to the time Ririe storage space was contracted; and

WHEREAS, the storage space in Ririe Reservoir is now contracted to Mitigation, Inc., following the 1990 Fort Hall Indian Water Rights Agreement, and the contracted space has proven to be unreliable and difficult to fill; and

WHEREAS, the Ririe Dam enacting legislation allows for modification of flood control rule curves as additional information becomes available and standard operating procedures state the flood control objective of Ririe Dam is "to provide adequate storage space in the reservoir to regulate stream flow downstream insofar as possible to a non-damaging level, and yet still provide a near full reservoir at the end of the flood season for irrigation and other project purposes"; and

WHEREAS, conditions in the Willow Creek basin have changed since the flood control rule curves were developed, including the establishment of an annual maintenance schedule to keep Willow Creek Canal, Sand Creek Canal, and the Willow Creek Floodway Channel free of ice during the winter and the development of offstream storage facilities, all of which substantially reduce the risk of flooding; and

WHEREAS, the current flood control rule curves do not rely upon current or updated hydrologic conditions on Willow Creek; and

WHEREAS, the standard operating procedures require cooperation between the United States Bureau of Reclamation (USBR), the United States Army Corp of Engineers (USACE), the Idaho Department of Water Resources, the Water District 01 Watermaster, water users, the Idaho Department of Fish and Game, local interests, and others in order to provide maximum benefits for the region; and

WHEREAS, water users of Mitigation, Inc. are dependent upon available water supplies in order to mitigate the impacts to their water supply caused by the Fort Hall Indian Water Rights Agreement, and therefore adjusting the flood control rule curves may increase the reliability of contracted storage supplies in Ririe Reservoir; and

WHEREAS, increased carryover water in upper basin reservoirs, like Ririe Reservoir, benefits water user storage allocations in Water District 01 by holding water high in the storage system and exchanging it with other reservoir storage in order to increase reliability; and

1 WHEREAS, the USBR and the USACE have completed the phase 1 updated flood  
2 risk evaluation and additional water storage and feasibility study at Ririe  
3 Reservoir, which has shown how the reevaluation of winter flood control op-  
4 erations could retain flood control benefits while also providing valuable  
5 storage benefits during some years; and

6 WHEREAS, the USBR completed a Draft Environmental Assessment: Ririe  
7 Winter Storage Study for Ririe Dam and Reservoir in 2014 that compares No  
8 Action to Alternative 1 with a finding of no significant natural resource or  
9 socioeconomic impact; and

10 WHEREAS, legislation, including the Water Infrastructure Improvements  
11 for the Nation Act, has been passed by Congress to facilitate efforts to  
12 improve and update the Ririe Reservoir winter flood control rule curves by  
13 leveraging federal infrastructure for increased water supplies; and

14 WHEREAS, notwithstanding the compelling reasons for a change in the  
15 flood control curves to retain storage in Ririe Reservoir, those involved in  
16 the federal government agencies are reluctant to allow reasonable modifi-  
17 cations based, in part, on using statistically low probabilities of a flood  
18 occurring in Willow Creek, which has never been seen in the history of the  
19 basin or region; and

20 WHEREAS, the Idaho Legislature and the State of Idaho have gone on  
21 record as fully supporting additional storage in the State of Idaho and rec-  
22 ognize that the Ririe Dam is clearly capable of retaining additional storage  
23 without the substantial costs associated with constructing new storage fa-  
24 cilities and without increasing the risks imposed on any other reservoir  
25 within Water District 01; and

26 WHEREAS, the Idaho Legislature intends to provide a portion of the cur-  
27 rent economic surplus enjoyed by the State of Idaho to the Idaho Water Re-  
28 source Board for projects and studies similar to those of the Ririe Reservoir  
29 flood control rule curve modifications and recognizes that the costs associ-  
30 ated with those studies and projects are beyond the means available to Mit-  
31 igation, Inc. to undertake to their conclusion.

32 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-  
33 sion of the Sixty-sixth Idaho Legislature, the Senate and the House of Rep-  
34 resentatives concurring therein, that the Idaho Legislature does hereby re-  
35 solve to call upon the federal government through its applicable agencies  
36 and personnel to finish the flood risk study, which will result in changing  
37 the flood control rule curves of the Ririe Reservoir based on the hydrologic  
38 analysis completed in phase 1 of the study, to better match the current con-  
39 ditions in the Willow Creek basin and allow for a more dependable contracted  
40 storage supply in Water District 01, and to provide for full mitigation of  
41 the impacts resulting from the 1990 Fort Hall Indian Water Rights Agreement.

42 BE IT FURTHER RESOLVED that the Idaho Legislature supports and encour-  
43 ages the Idaho Water Resource Board to consider a proposal to provide finan-  
44 cial resources to Mitigation, Inc. to finalize the studies and projects nec-  
45 essary to change the Ririe Reservoir flood control rule curves.

46 BE IT FURTHER RESOLVED that the Idaho Governor be encouraged to join  
47 with the Idaho Legislature in supporting the change in the winter flood  
48 control rule curves of the Ririe Reservoir project to more properly balance  
49 Ririe Reservoir water supply and irrigation supplies with adequate flood  
50 control.

**RIRIE RESERVOIR, IDAHO**  
**PRELIMINARY UPDATED FLOOD RISK EVALUATION AND**  
**ADDITIONAL WATER STORAGE ANALYSIS**  
**STUDY PLAN**  
(USACE - 26 November 2018)

**1. Report Purpose**

This study plan defines the scope, schedule, costs, and decision points for the Preliminary Updated Flood Risk Evaluation and Additional Water Storage Analysis at Ririe Reservoir requested by Idaho Water District 1 (Mitigation Inc.).

**2. Authority**

This study will be conducted under the authority of the Water Infrastructure Improvements for the Nation Act (WIIN Act) of 2016, Section 1118: "Leveraging Federal infrastructure for increased water supply." Section 1118 authorizes the Secretary of the Army, at the request of a non-Federal interest, to review proposals from non-Federal interests to increase the quantity of available supplies of water at a Federal water resources development project through (1) modification of the project; (2) modification of how the project is managed; or (3) accessing water released from the project. At Ririe Dam, a proposal may be considered to modify the way the project is managed [Section (Sec.) 1118(a)(2)] under the existing project authority [Sec. 1118(f)(1)], as long as the proposal is supported by the Federal Agency that operates the project; does not interfere with the project's authorized purposes; does not adversely impact contractual rights to water or storage; does not adversely impact legal rights to water under State law; and does not increase costs for any entity other than the Non-Federal entity submitting the proposal [Sec. 1118(g)]. If these conditions are met and approval is received to modify management of the Ririe project, the expected outcome would be a change to the Water Control Manual.

**3. Proposal Proponent and Study Funding**

Idaho Water District 1 (Mitigation Inc.) is the proposal proponent, and will provide 100% percent of the funds for the development, review, and approval of the proposal. Mitigation Inc. will enter into a memo of agreement (MOA) with the US Army Corps of Engineers (USACE) to define the scope, costs, and responsibilities.

**4. Background**

Ririe Dam and Reservoir is owned by the US Bureau of Reclamation (Reclamation), and flood control authority is administered by USACE under Section 7 of the 1943 Flood Control Act. Ririe Dam, located on Willow Creek in eastern Idaho, was completed in 1977, and the 100,484 acre-feet (af) Ririe Reservoir was filled in 1978. The project is authorized for multiple purposes:



flood control, irrigation, and recreation with “joint-use” water storage space for irrigation and flood risk management. For irrigation, the current water contract holder for Idaho Water District 1 is the sole holder of the “joint use” capacity of Ririe Reservoir (80,500 af), which irrigates approximately 512,000 acres in eastern Idaho. In addition to irrigation, Ririe Dam provides flood risk reduction benefits to the City of Idaho Falls and adjacent areas. The reservoir operating curve (rule curves) for water release was developed in 1976 and the winter season fixed draft is based on the 1966 Winter Standard Project Flood (SPF) estimate. The current operation keeps 40,000 af of the joint use capacity, plus 10,000 af of exclusive flood control space, empty over the winter for flood control. As a result, water from the prior water year is released from the reservoir in late fall in years when the water storage space is above the level necessary to provide space for flood flows.

Reclamation, in collaboration with USACE, completed an Environmental Assessment/Finding of No Significant Impact (EA/FONSI) in 2015 for operational changes during a 10-year interim period to allow storage of up to 8,000 af in Ririe Reservoir flood control space each winter, without changing flood risk and without changing the allocation of operations and maintenance (O&M) costs. These changes were based on a successful winter release test conducted in February 2013, and rely on Mitigation Inc.’s annual certification that contracts are in place for the removal of snow and ice from the outlet channel to facilitate winter water releases in advance of a large forecast storm. Once certified, Reclamation accepts responsibility for USACE Section 7 operations to assume that channel clearing O&M will be performed. Water may be held until a large storm is forecasted or the additional storage space is filled, at which time winter releases are implemented.

If a more detailed study were requested, the flood risk evaluation would be conducted by the USACE (per discussions in later paragraphs in this document) while Reclamation would provide support and coordination. Reclamation would lead and provide a separate water supply technical analysis and other required analyses (such as benefits/O&M cost allocation and dam safety) that could be conducted in conjunction with the USACE flood risk analysis.

In 2018, USACE developed two preliminary scopes of work at the request of Mitigation Inc. to conduct flood risk evaluations that could be used to determine the level of flood risk to Idaho Falls and adjacent areas resulting from the reallocation of winter flood control space to store additional water in Ririe Reservoir. Although results of the preliminary evaluation has three potential outcomes, only one outcome would “not interfere with the authorized purposes [in compliance with Section 1118(g) of the WIIN Act]” of the project and could be implemented through a change to the Water Control Manual. Mitigation Inc. requested an updated study plan to outline the costs for the analysis that would lead to a revision of the Water Control Manual if results of the preliminary evaluation determined the changes did not interfere with the project’s flood control purpose.

#### **4.1 Preliminary Updated Flood Risk Evaluation Scope Options**

The two preliminary scopes of work developed in April 2018 as options for updating flood risk evaluations were as follows:

- Option A scope (\$480,000 cost) focused on the hydrologic analysis for volume and stage frequency that could be used not only for preliminary updated flood risk evaluation purposes, but also as a first step towards following current USACE guidance required for use in the formulation of project alternatives, including reservoir re-operation studies;
- Option B scope evaluation (\$134,000) was an approach to Option A that would be more rapid and less expensive relative to the more detailed analysis in Option A. However, a negligible portion of the work performed in this scope would carry forward to completing the next phase of a more detailed flood risk analysis if Mitigation Inc. determined it to be worthwhile to continue further into a more comprehensive study.

For the purpose of estimating the full cost and schedule for the Preliminary Updated Flood Risk Evaluation and Additional Water Storage Analysis at Ririe Reservoir, it is assumed that the Option A hydrologic evaluation (see following section) will be used since all data and modeling in this evaluation would contribute to the fully detailed frequency analysis as well as could be used in current level of protection determination in terms of loss of life and damages.

#### **5. Study Plan Scope**

This study plan would be completed in three phases. Phase 1 is the preliminary updated flood risk evaluation (previously discussed Option A scope). A decision point follows this evaluation, with Mitigation Inc. determining whether to move forward with Phase 2; the development, coordination, review, and approval of a feasibility-like analysis (decision document). Once complete, this study with the recommendation proposal would be submitted for consideration and approval under the Sec. 1118, WRDA 2016 authority. Pending approval of the recommendation, Phase 3 would be the implementation of the recommendation, which, in this case, is expected to be revisions to the Water Control Manual.

The overall study would consist of the following primary actions: 1) Develop Discharge Frequency Relationship; 2) Develop Stage Discharge Relationship; 3) Develop Depth Damage Relationship; 4) Model of Storage Scenarios for Alternatives; 5) Analyze and Evaluate Alternative Storage Scenarios (Post Process output); 6) Identify a Recommended Plan; 7) Environmental Compliance for the Recommended Plan; 8) Conduct appropriate levels of review (technical, Agency, public, legal and policy) and Coordination; and 9) Submit Recommendation for approval.

The flood risk analysis methodology (Phase 1 and a portion of Phase 2) is outlined by USACE in the Hydrologic Engineering Requirements for Flood Damage Reduction Studies [Engineer Manual (EM) 1110-2-1419], Risk Based Analysis for Flood Damage Reduction Studies (EM1110-

2-1619), and Risk Assessment for Flood Risk Management Studies (ER 1105-2-101). The analysis will be conducted on alternative storage scenarios, as well as the current conditions, using the following general process:

- Develop a Discharge-Frequency Relationship that includes the development of Volume Frequency Curves and inflow hydrographs for reservoir regulation, which would be used to develop regulated peak discharge frequencies. This will be primarily completed with Hydrologic Engineering Center Hydrologic Modeling System (HEC-HMS) and HEC-Reservoir Simulation (ResSim) modeling.
- Develop a Stage-Discharge Relationship using data developed in the prior step to employ a 1D/2D hydraulic model to determine inundation areas and depths of inundation downstream of Ririe Reservoir associated with the inflow hydrographs for each alternative.
- Use the Stage-Discharge/Frequency-Discharge relationship created above to determine the Depth-Damage and Frequency-Damage relationships for areas downstream of Ririe Dam, including Idaho Falls and surrounding areas. Also, apply risk and uncertainty to the results.

### **5.1 Phase 1 - Preliminary Updated Flood Risk Evaluation**

The Discharge Frequency Relationship portion of Phase 1 (preliminary updated flood risk evaluation – Option A scope) can be subdivided into seven main tasks: 1) precipitation frequency analysis; 2) initial Snow Water Equivalent (SWE) elevation distribution and frequency analysis; 3) analysis of historic storms to develop spatial/temporal precipitation and temperature patterns; 4) frozen ground analysis; 5) additional calibration of existing HEC-HMS and HEC-ResSim models; 6) integration of models into HEC's Watershed Analysis Tool (HEC-WAT); and 7) Monte Carlo model simulations in HEC-WAT and extraction of simulation results to develop volume and stage frequency curves at Ririe Dam. Specific cost estimate information for Phase 1 may be found in Table 1.

### **5.2 Phase 2 – Additional Water Storage Analysis Decision Document**

Development of the Phase, 2 analysis and associated environmental documentation to analyze Alternative Storage Scenarios would use information from the preliminary updated flood risk evaluation conducted in Phase 1 as a starting point for modeling and developing Alternative Storage Scenarios. This phase will include a benefits analysis, economic damages prevented, environmental analysis, reviews, coordination, and submittal of the proposal for approval. Specific cost information for Phase 2 may be found in Table 1. Major tasks and actions associated with Phase 2 are as follows:

### **5.2.1 Inventory**

The Discharge Frequency Relationship for the additional water storage analysis builds on the analysis conducted in Phase 1, tasks 1 thru 7. For Phase 2, there are three main tasks: 8) Develop spring runoff volume forecasts for use in WAT modeling; 9) Develop local inflows downstream of Ririe Dam; and 10) Conduct a Semi-Quantitative Climate Change Analysis.

The Stage Discharge Relationship can be subdivided into four main tasks: 1) Obtain topography of the consequence area; 2) Develop a contract scope to survey the area at risk of flooding downstream of Ririe Dam; inclusive of channel bathymetry, and weir, culvert, and bridge data; 3) Execute the survey contract; and 4) Perform additional calibration of the existing HEC-RAS model and incorporation of structure and bathymetric survey data.

The Develop Depth Damage Relationship can be subdivided into four main tasks: 1) Conduct an economic inventory of the area (including field work); 2) Develop exceedance probability functions with uncertainty; 3) Develop discharge and stage exceedance probability relationships; and 4) Enhance existing flood impact analysis (FIA) model with detailed economic inventory.

### **5.2.2 Plan Formulation**

The Model Alternative Storage Scenarios task will include integrating HEC-RAS and HEC-FIA into the WAT model, and running Monte Carlo simulations in HEC-WAT for each storage alternative.

### **5.2.3 Alternative Evaluation**

The Analysis and Evaluation of Alternative Storage Scenarios (Post-Processing) tasks will include determining Estimated Annual Damages (EAD), Annual Exceedance Probability (AEP), developing regulated frequency curves, loss of life calculations, and impacts to spring flood risk management operations.

### **5.2.4 Plan Selection and Environmental Compliance**

Based on the Alternative Storage Scenarios evaluation and analysis, and in coordination with Mitigation Inc. and Reclamation, one of the Alternative Storage Scenarios will be identified as the proposed action for National Environmental Policy Act (NEPA) purposes. Environmental compliance will be conducted on the proposed action to evaluate environmental impacts and compare it to the No Action and other alternatives. The preferred recommended alternative, with the appropriate level NEPA decision, will be identified. Where appropriate, data, analysis, and other information from Reclamation's 2015 Environmental Assessment/Finding of No Significant Impact will be

used, and may result in cost and schedule efficiencies.

The preferred Alternative from the NEPA analysis will become the Recommended Plan, and remaining actions and responsibilities of the Federal and non-Federal interests will be further developed. Remaining costs to implement the approved recommendation, if necessary, will be incorporated into the decision document.

#### **5.2.5 Reviews and Coordination**

The Additional Water Storage Analysis will have a comprehensive review plan that includes: 1) District Quality Control; 2) Agency Technical Reviews; 3) Dam Safety Officer Waiver from Independent External Peer Review; 4) Public Review; 5) Legal Review; and 6) Policy Review. Coordination will include Reclamation to ensure their agency support as the project operator, and with local Flood Control Districts, as appropriate.

#### **5.2.6 Additional Water Storage Analysis (Decision Document) Submittal for Approval**

The final Additional Water Storage Analysis Decision Document will be submitted, with Reclamation's concurrence, for approval through USACE Northwestern Division for final review and approval under Sec.1118 of the WIIN Act of 2016. To meet the additional requirements under the WIIN Act of 2016 [Sec. 1118 (g)], Reclamation may require analysis of storage benefits to Mitigation Inc. and other water rights holders in the system, evaluation of economic benefits and associated operation and maintenance cost allocations, dam safety evaluations, and other analyses per Reclamation law, policy, and contracts. These requirements are not part of this study plan. Mitigation Inc. will coordinate separately with Reclamation to fulfill these requirements prior to completion of Phase 2.

### **5.3 Phase 3 - Implementation**

Once approval is received for the decision document, "Ririe Reservoir Additional Water Storage Analysis," the recommendation may be implemented with a change in the water control manual. If the conditions under Sec. 1118, of the WIIN Act of 2016 are met and the proposed recommendation is approved to modify the management of the Ririe project, the expected outcome would be a change to the Water Control Manual. Specific cost information for Phase 3 may be found in Table 1.

## **6. Schedule**

In this study plan, a decision point was incorporated early in the process to allow Mitigation Inc. to determine if they wanted to proceed once the preliminary updated flood risk evaluation was concluded. By re-structuring the Planning Study to include an early decision point, some of the work that would have been conducted concurrently was re-scheduled to follow the decision point. This was done to allow Mitigation Inc. to reach the decision point for the lowest cost,

however, the cost saving results in a loss to schedule efficiency. The early decision point increases the overall Planning Study duration by 1 year.

The schedule (Table 2) is tentative, pending receipt of funding, timing of the contracting activities and receipt of the necessary data. The schedule assumes the USACE will have advance notice of the study start to ensure staff and contractor availability. Time efficiencies may be achieved by working some technical tasks concurrently with multiple staff. Some portions of the decision document development will be conducted concurrently with data analysis and the reviews will be conducted concurrently where possible.

## **6.1 Phase 1 - Schedule**

The Preliminary Updated Flood Risk Evaluation schedule for Developing Discharge Frequency relationship tasks 1 to 7 (see Table 1 for details) is estimated to take 3760 hours (approximately 1.75 years duration) from the start of the project.

### **6.1.1 Decision Point**

Following this evaluation there is a Decision Point, at which time Mitigation Inc. would determine whether to continue the study. The volume frequency curve data from the Discharge Frequency analysis would indicate one of the following outcomes:

- Potential to reduce winter flood control space to store additional water in Ririe Reservoir with little to no change in flood risk;
- Potential to change winter flood control space to store additional water in Ririe Reservoir with increased flood risk; or
- Minimal potential to change winter flood control space to store additional water in Ririe Reservoir without creating an unacceptable level of flood risk.

Mitigation Inc., after consultation with the USACE, will decide whether to proceed with Phase 2. Currently, no USACE guidance on acceptable flood risk exists, and this study plan does not provide a range of acceptable and unacceptable change in flood risk to help guide the future decision. At the end of Phase 1, an inflow volume frequency curve will be provided. Mitigation Inc. may use this curve to consider specific flood risk management volumes for the winter season they believe could remain evacuated from the reservoir. Those volumes may be correlated to their remoteness (how likely an event may occur) on the inflow volume frequency curves. The more remote the chance of having a desired specific winter inflow volume, the more likely a solution may be found under the authority of the WIIN Act 2016. Ultimately, the determination on what is an acceptable change in flood risk will include many factors evaluated in Phase 2.

Depending on the results, Mitigation Inc. may decide to move forward with the analysis, with the intent of developing and submitting a recommendation for review and



approval under the authority of Section 1118 of the WIIN Act of 2016.

## **6.2 Phase 2 - Schedule**

If a decision is made to proceed, at the direction of Mitigation Inc., the study would move to Phase 2, the additional water storage analysis, and continue through tasks 8, 9, and 10 of the Discharge Frequency relationship, through the Stage Discharge and Depth Damage relationships, and culminating with modeling the Alternatives. Tasks 8 to 10 of the Discharge frequency relationship, Stage Discharge Relationship, and Depth Damage relationship work can be performed concurrently. The estimated duration for this work is approximately 2 years from the start of the project.

Environmental Compliance will likely require an EA/FONSI, depending on the outcome of the analysis and preferred alternative. Development of the proposed action, completion of Environmental Compliance, reviews, and finalization of the decision document is estimated to take 1.5 years, some of which will be conducted concurrent with the technical analysis.

## **6.3 Phase 3 - Schedule**

Pending approval of the Additional Water Storage Analysis Decision Document recommendation, revisions to the Water Control Manual are estimated to take about 3 months.

## **6.4 Accelerated Schedule Option**

The Study schedule could be accelerated about 1 year if the following tasks from Phase 2 were conducted concurrent with Phase 1:

- Discharge Frequency Relationship, Task 9 - Develop local inflows downstream of Ririe Dam;
- Stage Discharge Relationship, Tasks 2 and 3 - Develop, award and administer a survey contract for channel bathymetry and infrastructure data collection;
- Stage Discharge Relationship, Task 4 - Calibration and incorporation of structure and bathymetric survey data to the existing HEC-RAS model;
- Depth Damage Relationship, Task 1 - Conduct the economic inventory for the area.

However, acceleration of these tasks would shift an estimated \$560,000 from Phase 2 to Phase 1, resulting in an expenditure of \$1,040,000 before the decision point. The original schedule was used in this study plan. A comparison of the duration and cost of each Phase for the original and accelerated schedules is shown in Table 4.

## **7. Cost**

Total costs for the Preliminary Updated Flood Risk Evaluation, pending the decision to move forward to conduct the Ririe Reservoir Additional Water Analysis with associated reviews, approvals and if appropriate, modification to the Flood Control Manual is estimated to be \$1,697,000. Table 2 shows costs for each Phase and Table 1 provides detailed costs by task under each Phase.

Reporting of expenditures to Mitigation Inc. is anticipated to be conducted on a quarterly basis, and will include a summary of progress and work performed for the period. Figure 1 provides an example of a quarterly accounting letter. Records and files will be retained for up to 7 years following completion of the project, and an audit will be performed upon a request from Mitigation Inc. and as defined in the MOA.

## **8. Summary**

A preliminary flood risk analysis, as outlined in prior correspondence with Mitigation, Inc. for \$480,000 could be completed by USACE prior to Water District 1 making major investments in moving down a path to the full flood risk analysis included in this scope. Study products and results from a preliminary flood risk evaluation could be used by decision makers to help determine if it would be worthwhile to continue with a more comprehensive study or terminate the process. The full study cost, including the \$480,000 for the preliminary flood risk evaluation and development of the proposal to change the Water Control Manual, would be \$1,697,000.

The duration of Phase 1, with the early decision point, would be 1.75 years. If a decision is made to proceed with Phase 2, the Additional Water Storage Analysis could be completed in an additional 2.75 years. Once a recommendation to change the Water Control Manual is approved, the revision could be implemented in a quarter year, for a total duration of approximately 4.75 years. If Mitigation Inc. chooses to accelerate the study schedule, Phase 1 and some tasks from Phase 2 would be completed within 1.75 years. This would also shift some of the Phase 2 costs to Phase 1, resulting in a higher expenditure before the decision point. If Mitigation Inc. makes the decision to proceed, the remainder of Phase 2 would be completed in 1.75 years, reducing the overall project schedule to 3.75 years.



**TABLE 1: DETAILED COST ESTIMATE**

<b>Task Items</b>	<b>Cost Estimate</b>
<b>PHASE 1 – PRELIMINARY UPDATED FLOOD RISK EVALUATION</b>	
<b>Develop Discharge Frequency Relationship*</b> Develop Inflow Hydrology Tasks 1-7* Task 1 - Precipitation Frequency Analysis using Precipitation Gage Data and other sources Task 2 - Snow Frequency Analysis Task 3 - Analysis of Historic Storms to Develop Spatial Precipitation and Temperature Patterns Task 4 - Analysis of Frozen Ground Conditions Task 5 - Calibration of existing HEC-HMS and HEC-ResSim Models Task 6 - Integration of HEC-HMS and HEC-ResSim Models into HEC-WAT Project Task 7 - Run the Monte Carlo Simulations in HEC-WAT and Process Results to Create both Volume and Reservoir Stage Frequency Curves	\$480,000
<b>PHASE 1 TOTAL</b>	<b>\$480,000</b>
<b>PHASE 2 – ADDITIONAL WATER STORAGE ANALYSIS, REVIEW AND APPROVAL</b>	
<b>Develop Discharge Frequency Relationship</b> Task 8 – Develop FRA forecasts for use in WAT Task 9 - Develop inflow Hydrology for local basin downstream reservoir Task 10 - Develop Semi-Quantitative Climate Change	\$22,392 \$55,980 \$24,720
<b>Develop Stage Discharge Relationship</b> Task 1 - Topography survey contract – LiDAR already available in CWMS model Task 2 – Develop Survey Scope for Structure/cross section survey contract development – Survey of all hydraulic structures in the floodplain not available in CWMS model and channel bathymetry. Task 3 - Survey Contract from Task 2. Task 4 - Hydraulic Model Development – CWMS has already developed a 1D/2D hydraulic model that will be enhanced with structure data and channel bathymetry from the channel and structure surveys. Additional calibration will be needed for this model and associated modifications for WAT use.	\$0 \$8,562 \$357,068 \$79,635
<b>Develop Depth Damage Relationship</b> Task 1 - Economic inventory of the area (Including Field work) Travel Expense Task 2 - Develop Exceedance Probability functions with uncertainty Task 3 - Develop Discharge and Stage exceedance probability relationship with uncertainty Task 4 - Develop economics in FIA (Enhance CWMS FIA model with detailed economic inventory).	\$49,800 \$8,400 \$11,196 \$11,196 \$19,920

<b>Task Items</b>	<b>Cost Estimate</b>
<b>Model Alternatives</b> - Integrate HEC-RAS and HEC-FIA into HEC-WAT model, Run the Monte Carlo Simulations in HEC-WAT. Repeat this for each storage scenario alternative.	\$144,636
<b>Alternative Storage Scenario Analysis (Post Processing)</b> - EAD, AEP, Regulated Frequency curves, Loss of Life, impacts to spring flood risk management operations.	\$49,800
Documentation	\$22,410
Printing	\$500
<b>Environmental Compliance</b>	\$37,080
Finalize Preferred Recommendation	\$24,720
Finalize Decision Document	\$18,540
<b>Conduct Reviews</b>	
Task 1 - District Quality Control	\$49,040
Task 2 - Agency Technical Review	\$51,330
Task 3 – Independent External Peer Review Waiver	\$2,472
Task 4 - Public Review	\$12,360
Task 5 – Legal Review	0
<b>Proposal Submittal Package for Policy Review and Approval</b>	\$24,720
<b>Study Lead and Project Management</b>	\$37,080
<b>Meetings, Coordination</b>	\$30,990
<b>Site Visit</b>	\$27,744
Travel Expense	\$11,792
<b>PHASE 2 TOTAL</b>	<b>\$1,194,083</b>
<b>PHASE 3 – IMPLEMENTATION OF RECCOMENDATION</b>	
<b>Proposed Action Documentation (Including update to Water Control Manual)</b>	\$22,410
Printing	\$500
<b>PHASE 3 TOTAL</b>	<b>\$22,910</b>
<b>GRAND TOTAL</b>	<b>\$1,696,993</b>

\* Cost Estimate for \$480,000 for Tasks 1-7 was detailed separately and provided to Mitigation, Inc.

**Table 2. SCHEDULE AND COSTS**

<b>Activity</b>	<b>Duration*</b>	<b>Total Cost</b>
<b>PHASE 1</b> - Preliminary Updated Flood Risk Evaluation	1.75 years	\$ 480,000
<b>PHASE 2</b> – Additional Water Storage Analysis, Review and Approval	2.75 years	\$ 1,194,000
<b>PHASE 3</b> - Water Control Manual Revision	0.25 years	\$ 23,000
<b>TOTALS</b>	4.75 years	\$ 1,697,000

\*Portions of Phase 2 could be done concurrently with Phase 1, reducing the project timeline by 1 year.

**TABLE 3: COMPARISON OF ORIGINAL AND ACCERALTED SCHEDULE AND COST**

<b>Schedule</b>		<b>Phase 1</b>	<b>Phase 2</b>	<b>Phase 3</b>	<b>Total</b>
<b>Original</b>	Years	1.75	2.75	0.25	4.75**
	Cost	\$480,000	\$1,194,000	\$23,000	\$1,697,000
<b>Accelerated*</b>	Years	1.75	1.75	0.25	3.75**
	Cost	\$1,040,000	\$635,000	\$23,000	\$1,697,000

\*Some Tasks from Phase 2 are concurrent with Phase 1.

\*\* Includes the implementation phase (Phase 3).

**TABLE 4: ACRONYMS**

<b>Acronym</b>	<b>Name</b>
1D/2D	1 dimensional / 2 dimensional
AEP	Annual Exceedance Probability
af	acre-feet
CWMS	Corps Water Management System
EA/FONSI	Environmental Assessment/Finding of No Significant Impact
EAD	Estimated Annual Damages
EM	Engineering Manual
ER	Engineering Regulation
FRA	Flood Risk Analysis
HEC	Hydrologic Engineering Center
HEC-FIA	Hydrologic Engineering Center Flood Impact Analysis
HEC-HMS	Hydrologic Engineering Center Hydrologic Modeling System
HEC-RAS	Hydrologic Engineering Center River Analysis System
HEC-ResSim	Hydrologic Engineering Center Reservoir Simulation
HEC-WAT	Hydrologic Engineering Center Watershed Analysis Tool
LiDAR	Light Detection and Ranging
MOU	memo of understanding
NEPA	National Environmental Policy Act
O&M	operation and maintenance
Reclamation	US Bureau of Reclamation
Sec.	Section
SPF	Standard Project Flood
SWE	Snow Water Equivalent
USACE	US Army Corps of Engineers
WIIN Act	Water Infrastructure Improvements for the Nation Act

**FIGURE 1: EXAMPLE OF QUARTERLY ACCOUNTING LETTER**

Planning, Programs and Project Management Division

Mr. Lyle Swank,  
Water Master,  
Water District 1, Upper Snake River  
900 North Skyline Dr., Suite A  
Idaho Falls, ID 83402-1718

Dear Mr. Swank:

This letter reports the Ririe Study [Title] progress through [end date of quarter]. This report is provided in accordance with Article [section number] of the [date signed], Memorandum of Agreement (MOA) between the U.S. Army Corps of Engineers, Walla Walla District, and the [Agency on MOA].

The project record shows a total of [\$] was received on [date] for the work to be conducted in Phase [number]. Total costs of [\$] were expended on the Ririe Study as of [accounting end date of quarter]. The study [summary of progress, and the work accomplished in last quarter].

The total funds expended and attributed to the record, as well as the balance to complete the study under the current MOU, are shown below.

[Date]	Phase 1	Phase 2	Phase 3	TOTALS
<b>Total Project Costs</b>	\$480,000	\$1,194,083	\$22,910	\$1,696,993
<b>Received to Date</b>	\$0	\$0	\$0	\$0
<b>Expended to Date</b>	\$0	\$0	\$0	\$0
<b>Remaining Balance</b>	\$0	\$0	\$0	\$0
<b>Remaining Funds to be Provided</b>	\$480,000	\$1,194,083	\$22,910	\$1,696,993

Funds necessary to complete the next tasks [x thru x] in Phase [number] are estimated to cost [\$]. Work on these tasks will begin upon receipt of funds. The tasks scheduled to be completed are [summary of future work, decisions, Sponsor actions, or upcoming meetings].

If you have any questions about the study or information contained in this quarterly report, please contact [Name], Project Manager at [509-572-XXXX or XXX.X.XXXX@usace.army.mil].

Sincerely,

[Name], Project Manager  
Walla Walla District Office



## **Potential Reclamation Work related to Modification to Ririe Reservoir Flood Risk Management Requirements**

**March 2, 2020 DRAFT FOR DISCUSSION PURPOSES**

Background - Mitigation Inc. has partnered with the U.S. Army Corps of Engineers (USACE) for hydrologic and hydraulic evaluations supporting a decision whether to continue with efforts to modify winter flood control rules at Ririe Reservoir. These evaluations are expected to be completed near the end of 2020. If a change in operations is subsequently pursued, Reclamation would need to conduct the following activities, which would require advance payment by Mitigation Inc. Reclamation would also coordinate with USACE to avoid duplication of effort.

### **Future Reclamation Activities**

#### **1. Model water supply benefits and beneficiaries**

This evaluation will be used to support the cost allocation study below and may be informative to Mitigation Inc. in determining a path forward following USACE evaluations. Depending on hydrologic and carryover conditions each year, increased refill reliability at Ririe Reservoir could benefit Mitigation Inc. or other spaceholders in the Upper Snake reservoir system. Reclamation's Pacific Northwest Region modeling group would use the RiverWare model of the Upper Snake River to simulate the benefit for potential decreases in winter flood space requirements. The model would use historical hydrology to simulate conditions with changed flood risk management requirements. Its dynamic link with the Idaho Department of Water Resources Water Rights Accounting Program will be used to determine storage water right accrual and storage allocations consistent with WD01 methodology.

Planning level cost estimate - \$25,000.

#### **2. Safety of Dams (SOD) analysis**

An analysis is required to determine if increasing winter reservoir levels would increase the risk to Ririe Dam's structural integrity to unacceptable levels. This would be conducted by Reclamation's SOD group in Denver. See Reclamation's Dam Safety Public Protection Guidelines (<https://www.usbr.gov/ssle/damsafety/documents/PPG201108.pdf>).

Planning level cost estimate - \$100,000.

#### **3. Cost reallocation**

A cost reallocation may be required, due to the change in benefits expected from the change in operations that would allow more water to be stored in the reservoir. Reclamation is presently reviewing the appropriate level of analysis and associated costs.

High end planning level cost estimate, based on other allocation studies - \$120,000.

# Memorandum



To: Idaho Water Resource Board  
From: Kala Golden  
Date: July 9, 2021  
Re: Cloud Seeding Program Expansion

---

**REQUESTED ACTION:** Consider a resolution to authorize funding for a statewide climatology assessment and pilot cloud seeding project in the Bear River Basin.

---

## Background

House Bill (HB) 266, passed by the 2021 Idaho Legislature, recognized that expansion of the cloud seeding program may benefit basins throughout the state that experience depleted or insufficient water supplies. HB 266 recommended that the IWRB complete an assessment of basins and work with affected stakeholders to implement cloud seeding operations in basins that would benefit from the program. In response to legislative direction and stakeholder interest in the Bear River Basin, the IWRB directed staff to consider statewide cloud seeding opportunities and initiate the development of a pilot cloud seeding program in the Bear River basin beginning winter 2021.

A presentation was given to the Board's Cloud Seeding Committee (Committee) on June 28<sup>th</sup> regarding proposed build out of a program in the Bear River Basin, and the development of a statewide climatology assessment to determine the potential for cloud seeding in other basins. A copy of the presentation materials are attached for reference. Staff proposed to work with the National Center for Atmospheric Research (NCAR) to develop a statewide climatology assessment and comprehensive program design for the Bear River Basin. Given the timing required for implementation of a full scale program, a pilot aircraft program was determined to be a practical approach to initiating cloud seeding operations in the Bear River Basin beginning winter of 2021. Aircraft seeding equipment can be deployed timely, requires less effort in developing design plans, and can provide valuable information to be used in building out a comprehensive program design.

The Committee made a recommendation for the full Board to approve funding for a statewide assessment and, a comprehensive program design and estimated costs for the operation of a one year pilot aircraft program in the Bear River Basin. A draft resolution for consideration will be presented at the Board's regular July Meeting.

## Statewide Assessment

To determine the feasibility of cloud seeding as a viable water management strategy across any geographic area, an assessment of climatological conditions is required to first determine if seedable conditions generally exist within a target location. NCAR will utilize an established methodology working with sophisticated modeling tools, which was recently used for a comparable assessment across the State of Wyoming. The statewide assessment can be used to determine the feasibility of cloud seeding operations across the State of Idaho, prioritize basins of concern, and develops a framework for program design.

- Cost: \$30,000
- Timeline: Less than one month
- Deliverable: Statewide map, presentation of results

### **Program Design**

A comprehensive cloud seeding program utilizes both ground based and aerial seeding equipment, as each have the ability to target different parts of a storm. Design plans must be developed for each type of equipment. To allow for the implementation of a pilot aircraft project the upcoming winter 2021, NCAR will prioritize the development of an initial aircraft program design, estimated to be complete by October 2021. Development of a comprehensive program design, including ground based equipment and the evaluation of potential impacts, will be completed and used to begin implementation of an expanded program next winter 2022.

- Cost: \$310,000
- Timeline: 9-12 Months
- Deliverable: Comprehensive program design for the Bear River Basin, final feasibility report

### **Operational Costs**

Estimated costs for a one year pilot program were determined based on the operational costs of an aircraft under the existing collaborative program. The average cost to operate a cloud seeding aircraft is approximately \$650,000. During seasons with a significant number of seedable storms, these costs could go as high as \$775,000. Potential cost efficiencies associated with aircraft seeding under the current Program exist due to possibility of shared infrastructure between basins. Refined cost estimations can only be developed by operating a pilot program, which will determine a reasonable number of seedable hours and operational parameters based on the actual conditions found to exist within a basin. Costs for operating an aircraft were compared with neighboring states, such as Wyoming, and determined to be within a reasonable range for the type of service offered.

Estimated operational costs for a comprehensive program will be determined upon completion of a full scale program design. Implementation is anticipated to be phased over the course of the next 2-4 years, to properly gage actual conditions within the basin, and allow for organized coordination and deployment of necessary infrastructure.

- Cost: \$775,000 (1 year pilot aircraft operations)

### **Attachments**

1. House Bill 266
2. PowerPoint Presentation on proposed build-out and climatology assessment



**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF EXPANSION OF THE CLOUD  
SEEDING PROGRAM

RESOLUTION TO APPROVE FUNDS FOR THE  
DEVELOPMENT OF A STATEWIDE  
ASSESSMENT AND AUTHORIZING A CLOUD  
SEEDING PROGRAM IN THE BEAR RIVER  
BASIN

1 WHEREAS, House Bill 547, passed and approved by the 2014 legislature, allocates \$5,000,000  
2 annually from the Cigarette Tax to the Idaho Water Resource Board (IWRB) for statewide aquifer  
3 stabilization, with the funds to be deposited into the Secondary Aquifer Planning, Management, and  
4 Implementation Fund; and  
5

6 WHEREAS, Senate Bill 1402, passed and approved by the 2016 Legislature, allocated \$5,000,000  
7 in ongoing General Fund dollars, and \$2,500,00 in Economic Recovery Reserve Funds to the IWRB's  
8 Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization; and  
9

10 WHEREAS, cloud seeding was identified as a strategy in the Eastern Snake Plain Aquifer  
11 Comprehensive Management Plan (ESPA CAMP) for which stabilization and recovery of the ESPA is a  
12 principal goal, and was identified as a strategy in the draft Treasure Valley Comprehensive Management  
13 Plan; and  
14

15 WHEREAS, a well-managed cloud seeding program can increase winter snowpack as much as 10%  
16 or more, and thereby increase surface water runoff, resulting in more surface water for all uses, including  
17 aquifer management projects, and less supplemental ground water pumping; and  
18

19 WHEREAS, Idaho Power Company (IPC) brought operational experience it gained from its Payette  
20 River Basin program and established a remote-operated "Pilot Program" in the Upper Snake River Basin  
21 as a result of the ESPA CAMP; and  
22

23 WHEREAS, discussions between the IWRB, IPC, and other water users resulted in the creation of  
24 a collaborative Cloud Seeding Program (Program), expanding cloud seeding operations in the Upper Snake  
25 River Basin and established programs in the Boise River Basin, and Wood River Basin with support from  
26 the IWRB and local water users; and  
27

28 WHEREAS, House Bill 266, passed and approved by the 2021 legislature, created I.C. § 42-2301,  
29 and recognized cloud seeding has provided a unique and innovative opportunity to support sustainable  
30 water supplies for the State, and recommended that the IWRB complete an assessment of basins, and  
31 work with affected stakeholders to implement cloud seeding projects in other basins that would benefit;  
32 and  
33

34 WHEREAS, an assessment of basin-specific climatological characteristics can be used to determine  
35 if conditions amenable to cloud seeding exist in basins of interest; and  
36

37  
38 WHEREAS, the National Center for Atmospheric Research (NCAR) is an independent research  
39 based organization that is well-qualified and experienced in providing climatological assessments and  
40 scientifically based program design for the development of cloud seeding programs; and  
41

42 WHEREAS, a statewide assessment will provide initial mapping of regions across the state that  
43 possess conditions amenable to cloud seeding, and will serve as the foundation for further analysis and  
44 program design for specific basins of interest; and  
45

46 WHEREAS, existing water supplies are not sufficient to support existing water rights in the Bear  
47 River Basin because drought conditions have led to a lack of natural flow water supplies; and  
48

49 WHEREAS, concern for existing and future water supplies have prompted stakeholder interest in  
50 the development of a cloud seeding project in the Bear River Basin; and  
51

52 WHEREAS, based on the insufficiency of existing water supplies, the IWRB seeks to develop a pilot  
53 cloud seeding program in the Bear River Basin, beginning with the cloud seeding season that runs  
54 November 2021 through April 2022 (season 2021–2022); and  
55

56 WHEREAS, implementation of a program in the Bear River Basin will require a detailed  
57 climatological analysis, factoring weather conditions at varying elevations, to develop a comprehensive  
58 cloud seeding program design and provide an estimation of the potential increase in snowpack that results  
59 from the proposed design; and  
60

61 WHEREAS, to initiate a pilot program in the Bear River Basin for the 2021–2022 season, the use  
62 of aircraft seeding has been identified as a practical near-term strategy; and  
63

64 WHEREAS, the procurement of a program aircraft and accompanying operator for the Bear River  
65 Basin will be required for the 2021–2022 season. Based on the operational costs for an aircraft under the  
66 existing Program, the total cost for one season of aircraft operations is estimated to be up to \$775,000;  
67 and  
68

69 WHEREAS, the Bear River Basin is adjacent to the Upper Snake River Basin where existing aircraft  
70 operations occur under the current collaborative Program, creating a potential opportunity to share  
71 infrastructure and costs between basins. When there are not seedable storms in the Bear River Basin, an  
72 additional aircraft could be used to support airborne seeding in the Upper Snake Basin, where an existing  
73 need has been identified.  
74

75 WHEREAS, NCAR estimates the costs for completing a statewide assessment to be \$30,000 and  
76 development of a program design for the Bear River Basin, to be approximately \$310,000; and  
77

78 NOW, THEREFORE BE IT RESOLVED that, the IWRB authorizes expenditures not to exceed \$30,000  
79 from the Secondary Aquifer Planning, Management, and Implementation Fund for costs related to the  
80 development of a statewide climatology assessment.  
81

82 BE IT FURTHER RESOLVED that, the IWRB authorizes expenditures not to exceed \$310,000 from  
83 the Secondary Aquifer Planning, Management, and Implementation Fund for costs related to the  
84 development of a cloud seeding program design for the Bear River Basin.  
85

86 BE IT FURTHER RESOLVED that, the IWRB authorizes the operation of a pilot cloud seeding  
87 program in the Bear River Basin. This authorization is limited to the period of November 1, 2021 through  
88 April 15, 2022.  
89

90 BE IT FURTHER RESOLVED that, the IWRB authorizes expenditures not to exceed \$775,000 from  
91 the Secondary Aquifer Planning, Management, and Implementation Fund for costs related to the  
92 operations and maintenance of a pilot aircraft program in the Bear River Basin for the 2021-2022 season.  
93

94 BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee, Brian Patton,  
95 Executive Officer to the IWRB, to execute the necessary agreements or contracts related to the IWRB  
96 authorizations provided herein.

DATED this 23rd day of July, 2021.

\_\_\_\_\_  
Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
Jo Ann Cole-Hansen, Secretary

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 266

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO WATER; AMENDING TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 43, TITLE 42, IDAHO CODE, TO PROVIDE FOR CLOUD SEEDING, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE A TERM AND TO PROVIDE EXCEPTIONS, TO PROVIDE FOR PROGRAMS AND CONTRACTING, TO PROVIDE FOR THE USE OF STATE FUNDS, TO PROVIDE FOR DISTRIBUTION OF WATER GENERATED THROUGH CLOUD SEEDING, TO PROHIBIT CERTAIN CLAIMS OF LIABILITY, AND TO PROVIDE THAT CERTAIN PERMITS SHALL NOT BE REQUIRED.

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

SECTION 1. That Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 43, Title 42, Idaho Code, and to read as follows:

CHAPTER 43  
CLOUD SEEDING

42-4301. CLOUD SEEDING. (1) The legislature finds that:

(a) Idaho's economy and the welfare of its citizens depend upon a reliable and sustainable water supply. It is essential, therefore, that the state continues to identify, develop, and implement projects that augment and sustain the state's water resources.

(b) The cloud seeding program developed and implemented by the Idaho water resource board, in cooperation with interested stakeholders, presents a unique and innovative opportunity to augment and sustain the water resources of the state.

(c) Augmenting water supplies through cloud seeding is in the public interest. Public benefits of cloud seeding include drought mitigation, protection of water rights, protection of municipal and business activities dependent on water, water quality, recreation, and fish and wildlife.

(d) Data accumulated and analysis undertaken since the initiation of the cloud seeding program demonstrates that cloud seeding has resulted in an annual increase in the water supplies in the basins in which cloud seeding has been performed. However, additional research and analysis is necessary to determine the precise nature and extent of those increases. The legislature recommends that such research be continued as the cloud seeding program progresses and that annual reports on such research be provided to the legislature.

(e) The legislature recognizes that expansion of the cloud seeding program may benefit basins throughout the state that experience depleted or insufficient water supplies, and the legislature recommends that the water resource board complete an assessment of basins and work with

1       affected stakeholders to implement the cloud seeding program in basins  
2       that would benefit from the program.

3       (2) As used in this chapter, "cloud seeding" means all acts undertaken  
4       to artificially distribute or create nuclei in cloud masses for the purposes  
5       of inducing precipitation, cloud forms, or other meteorological parameters.  
6       Cloud seeding for the suppression of fog and frost prevention measures for  
7       the protection of orchards and crops are excluded from the coverage of this  
8       chapter.

9       (3) The water resource board shall authorize, and may sponsor or de-  
10      velop, local or statewide cloud seeding programs and may contract any indi-  
11      vidual or organization for consultation and assistance in developing cloud  
12      seeding programs or in furthering research related to cloud seeding.

13      (4) State funds may be used or expended on cloud seeding programs only  
14      in basins where the water resource board finds that existing water supplies  
15      are not sufficient to support existing water rights, water quality, recre-  
16      ation, or fish and wildlife uses dependent on those water supplies. Water  
17      generated through cloud seeding shall be distributed in accordance with the  
18      prior appropriation doctrine.

19      (5) The act of cloud seeding pursuant to a project funded in whole or  
20      in part by the state of Idaho or authorized by the state water resource board  
21      shall not be the basis of any claim of liability, including but not limited  
22      to trespass or public or private nuisance, and shall not require any state or  
23      local permits.

# Cloud Seeding Program Expansion

---

IWRB Cloud Seeding Committee Meeting

Presented by Kala Golden

June 28, 2021



# Directive

*2021 Legislature passed House Bill 266*

- Recognized the potential to benefit basins throughout the state by expanding the cloud seeding program
- Recommended the Board complete an assessment of potential basins and,
- Work with affected stakeholders to implement new cloud seeding projects



## GOAL: Expand the Cloud Seeding Program

Objective: Complete an assessment of cloud seeding opportunities statewide, and implement a pilot cloud seeding project in the Bear River Basin beginning in the upcoming 21-22 season.

### Action:

- 1) Statewide Climatology Assessment
- 2) Program Design
- 3) Implementation





# Climatology Assessment

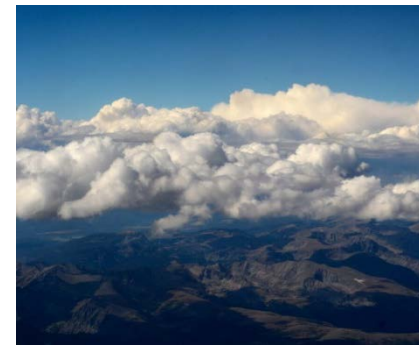
Do conditions exist?

- ❖ Develop statewide assessment for Idaho— NCAR
  - Framework for Bear River Basin
  - Use in prioritizing other basins

**Timeline:** <1 month

**Deliverables:** Statewide map, presentation of results

**Cost:** \$30K



# Climatology Assessment

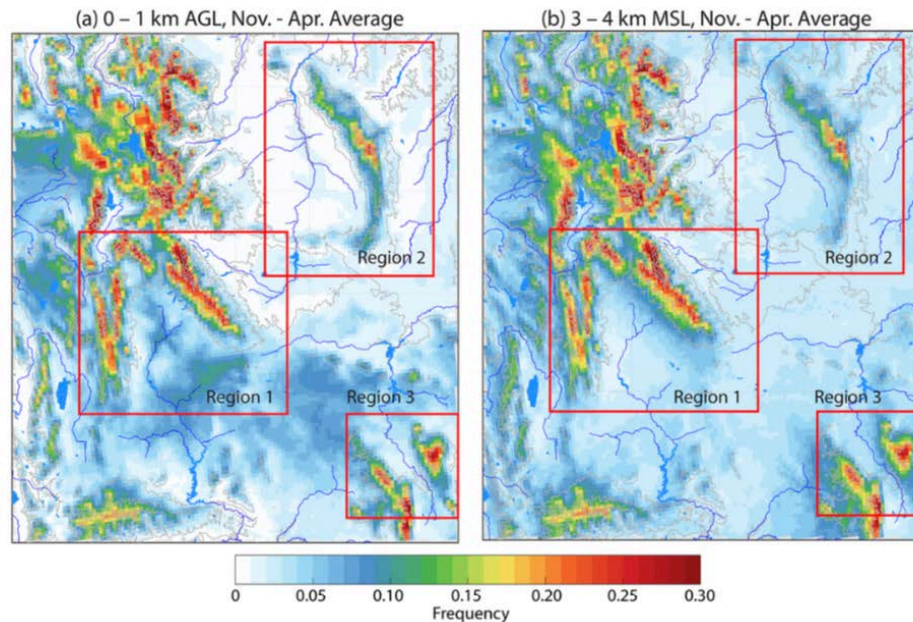


FIG. 9. Maps (covering the domain of study) of the frequency of time within the wintertime months of November–April that, on 8-yr average between 2000 and 2008, temperature and SLW cloud-seeding criteria are met in the (a) ground-seeding layer (0–1 km AGL) and (b) airborne-seeding layer (3–4 km MSL), based upon the WRF-CONUS simulation.

<sup>1</sup>Figure 9, Tessendorf et. Al (2020)

❖ Develop Program Design for Bear River Basin—NCAR

- 

**Cost: \$310K**



# Implementation

## ❖ *Pilot aircraft program, 2021-2022*

- Additional program aircraft
- Dedicated to the Bear whenever seedable conditions exist
- Potential to share aircraft with the Upper Snake River basin
- Design complete October 2021
- Cost: \$775K



## ❖ *Ground program, 2022-2023*

- Design complete late spring 2022
- Ground coordination summer/early fall 2022
- Deploy equipment by October 2022



## GOAL: Expand the Cloud Seeding Program

Objective: Complete an assessment of cloud seeding opportunities statewide, and implement a pilot cloud seeding project in the Bear River Basin beginning in the upcoming 21-22 season.

### Action:

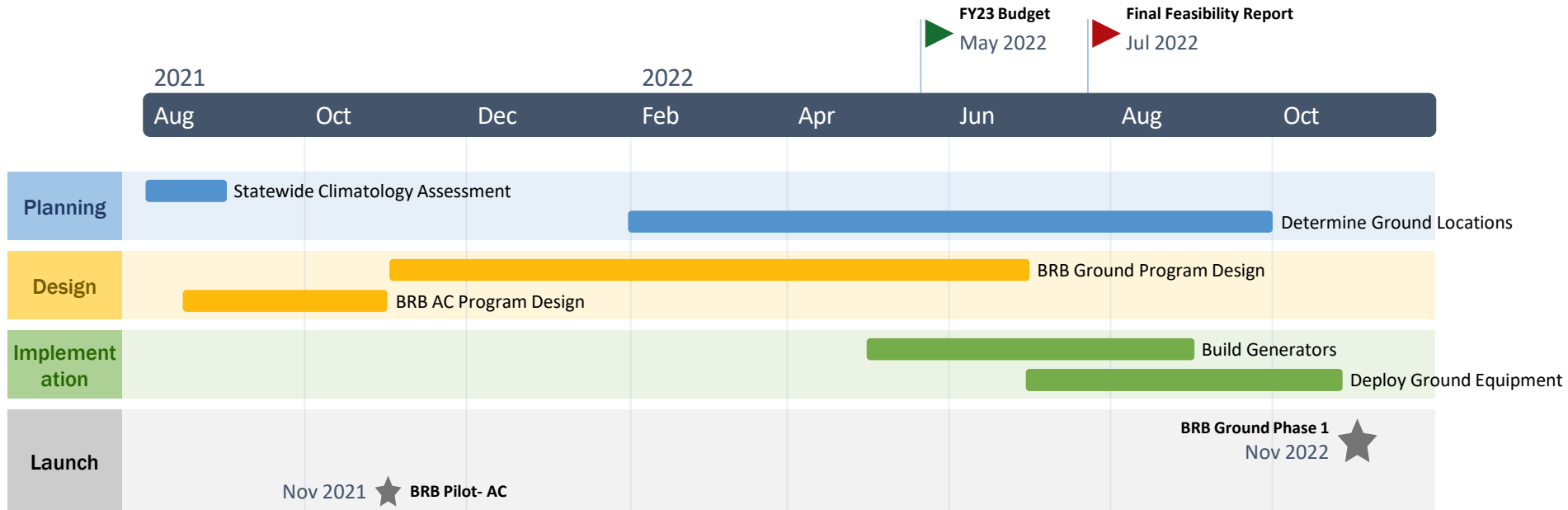
- ❖ Statewide Climatology Assessment \$30K
- ❖ Program Design \$310K
- ❖ Implementation \$775K\*

Total FY22 Budget: \$1.12M

\* First year cost



# Cloud Seeding Program Expansion Bear River Basin



# QUESTIONS?

# Memorandum

To: Idaho Water Resource Board  
From: Brian Patton  
Date: July 14, 2021  
Re: Water Rights 37-23110, et al.

---



Ann Vonde of the Attorney General's office will discuss issues related to the IWRB's applications for aquifer recharge water rights in the Wood River Basin.



# Memorandum

To: Idaho Water Resource Board  
From: Brian Patton  
Date: July 14, 2021  
Re: Water Rights 01-10613, et al.

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Ann Vonde of the Attorney General's office will discuss issues related to the IWRB's applications for aquifer recharge water rights in the Upper Snake River Basin upstream of American Falls Reservoir.

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE IDAHO WATER  
RESOURCE BOARD ESPA MANAGED RECHARGE  
PROGRAM

RESOLUTION REGARDING THE CAPTURE OF  
WATER IN THE SNAKE RIVER RESERVOIR  
SYSTEM AND THE IWRB ESPA MANAGED  
RECHARGE PROGRAM

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, the Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan (ESPA  
6 CAMP), identified managed recharge as a key strategy for achieving the goal of aquifer stabilization and  
7 recovery; and  
8

9 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates \$5 million from  
10 the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary Aquifer Planning, Management,  
11 and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and  
12

13 WHEREAS, the legislature provides \$5 million annually to the IWRB's Secondary Aquifer Fund  
14 through the Department of Water Resources budget for aquifer management; and  
15

16 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136  
17 directing the IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed  
18 recharge to the ESPA by December 31, 2024; and  
19

20 WHEREAS, the State Water Plan states, "Because of year to year variability of the natural flow  
21 passing Milner Dam, the optimum development of the natural flow will be achieved through storage in  
22 surface water reservoirs above Milner Dam and in the ESPA;" and  
23

24 WHEREAS, a system of large surface water reservoirs exist in the upper Snake River above Milner  
25 Dam, which capture and retain storage water ("Upper Snake River Reservoirs"); and  
26

27 WHEREAS, the IWRB recognizes the importance of physically filling the Upper Snake River  
28 Reservoirs whenever possible; and  
29

30 WHEREAS, the IWRB recognizes that the physical fill of the upper Snake River Reservoirs should  
31 be prioritized over recharging water in the ESPA; and  
32

33 WHEREAS, the ESPA CAMP provides aquifer recharge will be conducted using the IWRB's natural  
34 flow water rights and "storage water when available"; and  
35

36 WHEREAS, the IWRB does not intend to acquire storage water for recharge unless such storage  
37 water is provided for that purpose by a third party.

38 NOW, THEREFORE BE IT RESOLVED that the IWRB will not use existing storage water from the  
39 Upper Snake River Reservoirs for recharge unless the storage water is donated to the IWRB by another  
40 entity or the IWRB is contracted to conduct recharge of existing storage water on behalf of another entity;  
41 and

42  
43 NOW, THEREFORE BE IT RESOLVED to assist with the maximum storage of water in the Upper  
44 Snake River Reservoirs, the IWRB will not conduct recharge using natural flow water upstream of  
45 American Falls Dam unless its natural flow water rights for recharge are in priority and the United States  
46 Bureau of Reclamation, in consultation with Water District 01 and the Committee of Nine declares,  
47 pursuant to Pub. L. No. 115–244, § 203, 132 Stat. 2897, 2906 (2018), there is excess water in the system  
48 above American Falls Reservoir.  
49

DATED this 23<sup>rd</sup> day of July, 2021.

---

JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST \_\_\_\_\_  
JO ANN COLE-HANSEN, Secretary

# Memorandum



To: Idaho Water Resource Board (IWRB)  
From: Neeley Miller, Planning & Projects Bureau  
Date: July 14, 2021  
Re: Priest Lake Water Management Project Update

---

**ACTION: No action is requested at this time**

---

## Background

As a result of limited water supply and drought conditions in northern Idaho in 2015 and 2016 (and 2019) it has been difficult to maintain required lake pool levels and downstream flow in the Priest River during the recreational season.

The Priest Lake Water Management Study was completed in February 2018. The study included the following recommendations:

- Temporarily raising the surface level of Priest Lake up to 6 inches during the recreational season for dry years and integrating real-time streamflow data to allow more operational flexibility
- Outlet dam structural and operational improvements
- Replacing the current existing porous breakwater with an impervious breakwater structure and dredging a portion of the Thorofare channel

## Construction and Construction Management

The IWRB authorized the expenditure of funds not to exceed \$5 million from the Revolving Development Account for the construction of the Outlet dam portion and Thorofare portion of the Priest Lake Water Management Project as well as for the construction management and for other costs associated with the project.

In February 2021, Strider, indicated it had encountered conditions not anticipated below the outlet dam and indicated that it may take more than one season to complete the construction. Mott MacDonald, the Project engineer and Owner's Representative, evaluated Strider's claim and recommended they not proceed into the phase 2 concrete work this season based upon project performance thus far and risk associated with tight construction timeline and spring runoff. As a result, the IWRB passed a resolution on February 18, 2021, authorizing an extension to second season to complete the outlet dam.

## **Schedule**

- Spring - Summer 2021 - Ongoing negotiations with contractor in preparation for season two of Outlet Dam construction
- Fall/Winter 2021/2022 - Outlet Dam project will commence and be completed no later than June 1, 2022.

## **Lake Level Status**

Unfortunately the normally abundant total precipitation quantity (snow and rain) did not fall in the basin this past winter. This created a much less than normal volume of water available for summer base flows entering the lake. Although the long, cool spring stretched out the water supply to some extent the gates had to be operated in May to get the lake UP TO the Minimum Lake Level before the Memorial Day weekend. Early June water supply predictions based on snow water indicated lake inflows were going to be less than 50% of normal. Another dry and abnormally hot summer has exacerbated the issues.

The IWRB and IDWR staff have monitored the river flows and lake level daily and it has been noted that some 2021 river flows this summer near Priest River have been the lowest in 71 years of record, while the lake has been stable at about 4 inches above Minimum Lake Level. This indicates that flows were not low because more water was being stored. A result of the work on the gates not being completed is that 6 inches of additional storage could not be realized this year when we needed it the most.

IDWR staff have evaluated the volume of water represented in the 4 inches of storage currently available above the Minimum Lake Level. Calculations estimate that the lake level can decrease an average of 0.01 feet every 2 days for 60 days before the lake level reaches the Minimum Lake Level. It appears that if minimal rain falls this summer and gate operations can be managed appropriately, then all lake level and river flow objectives (60 cfs-policy) can be met through the Labor Day weekend.

# Memorandum

To: Idaho Water Resource Board  
From: Cynthia Bridge Clark  
Date: July 14, 2021  
Re: Administrative Rules

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Deputy Director Mat Weaver will present an update on Administrative Rules.

**IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES  
IDAHO WATER RESOURCE BOARD**

**37.03.07 – STREAM CHANNEL ALTERATION RULES**

**DOCKET NO. 37-0307-2101**

**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 42-1734(19), 42-1805(8), and 42-3803, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than **September 16, 2021**.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Idaho Code § 42-3803(c) states that “[r]ules, regulations and orders adopted or issued pursuant to this section may include, but are not limited to, minimum standards to govern projects or activities for which a permit or permits have been received . . . .” Idaho Code § 42-3803(d) states that “the [Idaho Water Resource] Board may, by regulation, dispense with procedural requirements for permit application and approval contained in this chapter for projects and activities which, in all respects, at least meet minimum standards adopted pursuant to this section.”

Existing IDAPA 37.03.07 Rule 61 – Suction Dredges and Non-Powered Sluice Equipment (Rule 61), describes minimum standards that allow the Idaho Department of Water Resources (IDWR) to expedite authorization of select qualifying suction dredge mining operations in Idaho streams and rivers. Proposed projects meeting the minimum standards removes the necessity for IDWR to furnish copies of applications to other state and federal agencies and seek comment from those agencies. IDWR currently expedites authorization of suction dredge operations meeting minimum standards with the Idaho Recreational Mining Authorization Letter Permit (“Letter Permit”). The Letter Permit is an immediate authorization with no agency comment process. The Letter Permit is analogous to an Idaho fishing license; it only requires an applicant to give his or her name, address, the name or names of streams the applicant plans to dredge, and submission of a fee (\$10 for Idaho resident, \$30 for non-resident). The applicant’s signature to the Letter Permit certifies that the applicant agrees to conduct his or her operations in accordance with Letter Permit conditions and instructions, and the minimum standards set forth in Rule 61.

The Proposed Rule incorporates changes to Rule 61 as a result of negotiated rulemaking conducted as a part of the Governor’s Executive Order 2020-01 zero-based regulation initiative and in response to concerns raised by certain small scale suction dredge miners during the 2020 Legislative Session. The Proposed Rule makes certain changes to the existing expedited minimum standard-based Idaho Recreational Mining Authorization Letter Permit (“Letter Permit”), replacing it with a similarly functioning Small Scale Mining Permit regime. The majority of stakeholders expressed support during negotiated rulemaking to maintain an expedited permit process for small scale dredge mining (and similar) de minimis mining activities with some changes to the current requirements. The Proposed Rule maintains and clarifies the expedited permitting processes, clarifies current permit exemptions for select non-powered mining activities, and modifies and updates some of the minimum standards associated with Rule 61 that allow for an expedited permit process. Other areas of the Stream Channel Alteration Rules, such as the definitional section at IDAPA 37.03.07.010, also needed to be updated as a result of changes made to Rule 61.

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**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Idaho Code § 42-3803(a) authorizes the Idaho Water Resource Board to collect “statutory filing fees” in association with stream channel alteration activities including permitted activities authorized under Rule 61. This Proposed Rule does not change current application filing fee amounts.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the [April 7, 2021 Idaho Administrative Bulletin, Vol. 21-4](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Mathew Weaver at (208) 287-4800.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before **September 23, 2021**.

DATED this **July 30, 2021**.

*Gary Spackman, Director  
Idaho Department of Water Resources  
322 E. Front Street  
PO Box 83720  
Boise, ID 83720  
Phone: (208) 287-4800*



### 37.03.07 – STREAM CHANNEL ALTERATION RULES

#### 000. LEGAL AUTHORITY (RULE 0).

The purpose of these rules and minimum standards is to specify procedures for processing and considering applications for stream channel alterations under the provisions of Title 42, Chapter 38, Idaho Code. ( )

#### 001. TITLE AND SCOPE (RULE 1).

**01. Title.** These rules are titled IDAPA 37.03.07, “Stream Channel Alteration Rules.” ( )

**02. Scope.** The minimum standards are intended to enable the Director to process, in a short period of time, those applications which are of a common type and which do not propose alterations which will be a hazard to the stream channel and its environment. It is intended that these rules and minimum standards be administered in a reasonable manner, giving due consideration, to all factors affecting the stream and adjacent property. ( )

#### 002. -- 009. (RESERVED)

#### 010. DEFINITIONS (RULE 10).

**01. Alteration.** To obstruct, diminish, destroy, alter, modify, relocate or change the natural existing shape of the channel or to change the direction of flow of water of any stream channel within or below the mean high water mark. It includes removal of material from the stream channel and emplacement of material or structures in or across the stream channel where the material or structure has the potential to affect flow in the channel as determined by the director. ( )

**02. Applicant.** Any individual, partnership, company, corporation, municipality, county, state or federal agency, their agent, or other entity proposing to alter a stream channel or actually engaged in constructing a channel alteration, whether authorized or not. ( )

**03. Base Flood Elevation.** The Base Flood (BF) is referred to as the one hundred (100) year flood and is a measure of flood magnitude based on probability. The BF has a one percent chance of occurring or being exceeded in any given year, with the Base Flood Elevation (BFE) being the level of flooding reached during the BF or the one hundred (100) year flood event. ( )

**04. Board.** The Idaho Water Resource Board. ( )

**045. Continuously Flowing Water.** A sufficient flow of water that could provide for migration and movement of fish, and excludes those reaches of streams which, in their natural state, normally go dry at the location of the proposed alteration. IDWR will assume, subject to information to the contrary, that the USGS quadrangle maps accurately depict whether a stream reach is continuously flowing, at the location of the proposed alteration. Such exclusion does not apply to minor flood channels that are a part of a stream which is continuously flowing in the reach where the alteration is located. Also, such exclusion does not apply to streams which may be dry as a result of upstream diversion or storage of water. ( )

**056. Department.** The Idaho Department of Water Resources. ( )

**067. Drop Structures, Sills and Barbs.** Physical obstructions placed within a stream channel for the purpose of stabilizing the channel by decreasing stream gradient and velocity and by dissipating stream energy. ( )

**078. Director.** The Director of the Idaho Department of Water Resources. ( )

**089. Human Life Support System.** Any artificial or natural system that provides all or some of the items

(such as oxygen, food, water, control of temperature, or disposition of carbon dioxide) necessary for maintaining human life or health.

**10. Mean High Water Mark.** ~~As defined in Idaho Code, § 42-3802(h), the mean high water mark is~~ water level corresponding to the “natural or ordinary high water mark” ~~as defined in Section 58-104(9), Idaho Code,~~ and is the line which the water impresses on the soil by covering it for sufficient periods of time to deprive the soil of its terrestrial vegetation and destroy its value for commonly accepted agricultural purposes. ( )

**0911. Non-Powered Sluice—Equipment.** Equipment which is powered only by human strength. ( )

**102. Plans.** Maps, sketches, engineering drawings, photos, work descriptions and specifications sufficient to describe the extent, nature, and location of the proposed stream channel alteration and the proposed method of accomplishing the alteration. ( )

**113. Powered Equipment.** Equipment which is powered by means other than human strength such as a gasoline engine or electric motor.

**14. Repair.** Any work needed or accomplished, to protect, maintain, or restore any water diversion structure and the associated stream channel upstream and downstream as necessary for the efficient operation of the water diversion structure. ( )

**125. Stream Channel.** A natural water course of perceptible extent with definite beds and banks which confines and conducts continuously flowing water. The channel referred to is that which exists at the present time, regardless of where the channel may have been located at any time in the past. For the purposes of these rules only, the beds of lakes and reservoir pool areas are not considered to be stream channels. ( )

**13. Base Flood Elevation.** ~~The Base Flood (BF) is referred to as the one hundred (100) year flood and is a measure of flood magnitude based on probability. The base flood has a one percent chance of occurring or being exceeded in any given year, with the Base Flood Elevation (BFE) being the level of flooding reached during the BF or the one hundred (100) year flood event.~~ ( )

**011. -- 024. (RESERVED)**

**025. EXEMPTIONS (RULE 25).**

**01. Work on Existing or Proposed Reservoir Projects.** Permits are not required under the provisions of Title 42, Chapter 38 for construction work on any existing or proposed reservoir project, including the dam, and such areas downstream as the Director may determine is reasonably necessary for construction and maintenance of the dam. ( )

**02. Snake and Clearwater Rivers.** Permits are not required for work within that portion of the Snake and Clearwater rivers from the state boundary upstream to the upper boundary of the Port of Lewiston Port District as it now exists or may exist in the future. ( )

**03. Cleaning, Maintenance, Construction or Repair Work.** No permit is required of a water user or his agent to clean, maintain, construct, or repair any diversion structure, canal, ditch, or lateral or to remove any obstruction from a stream channel which is interfering with the delivery of any water under a valid existing water right or water right permit. ( )

**04. Removal of Debris.** No permit is required for removal of debris from a stream channel provided that no equipment will be working in the channel and all material removed will be disposed of at some point outside the channel where it cannot again reenter the channel. ( )

**05. Mining Operations Using Non-Powered Equipment.** No permit is required for mining activities using non-powered equipment to move one-quarter (1/4) cubic yard per hour or less below the mean high water mark,

except as otherwise described in Rule 61.05.

( )

**026. -- 029. (RESERVED)**

**030. APPLICATIONS (RULE 30).**

**01.** **Alteration of Stream Channels Permit Required.** No person shall engage in any activity which will alter a stream channel without first applying for a permit as provided by § 42-3803, Idaho Code. ( )

**02.** **Joint Application Permit Form.** The Department of Water Resources, Department of Lands, and the U.S. Army Corps of Engineers have developed a joint application for permit form which will suffice for the required permit application under the Stream Protection Act. An application should be filed at least sixty (60) days before the applicant proposes to start the construction and shall be upon the joint application form furnished by the Department. The application shall be accompanied by plans which clearly describe the nature and purpose of the proposed work. ( )

**023.** **Applicant Following Minimum Standards.** In those cases where the applicant intends to follow the minimum standards (Rule 055), detailed plans may be eliminated by referring to the specific minimum standard; however, drawings necessary to adequately define the extent, purpose, and location of the work will still may be required. Plans shall include some reference to water surface elevations and stream boundaries to facilitate review. The application should show the mean high water mark on the plans; however, any water surface or water line reference available will be helpful as long as this reference is described. (Examples: present water surface, low water, high water). ( )

**034.** **Submission of Copies.** The applicant shall submit one (1) copy of all necessary plans along with the application form. When drawings submitted are larger than eight and one half by eleven (8 1/2 x 11), the applicant shall provide the number of copies specified by the department. ( )

**04.** ~~**Stream Channel Alteration Permit.** Any applicant proposing to operate a vacuum or suction dredge within or below the mean high water mark of a stream channel shall apply for and obtain a stream channel alteration permit. The vacuum or suction dredge shall only be operated in accordance with the conditions of the permit and with the applicable rules.~~ ( )

**031. -- 034. (RESERVED)**

**035. APPLICATION REVIEW (RULE 35).**

**01.** **Prior to Issuance of Permit.** The following items shall be among those considered by the Director prior to issuing a permit: ( )

- a.** What is the purpose of doing the work? ( )
- b.** What is the necessity and justification for the proposed alteration? ( )
- c.** Is the proposal a reasonable means of accomplishing the purpose? ( )
- d.** Will the alteration be a permanent solution? ( )
- e.** Will the alteration pass anticipated water flows without creating harmful flooding or erosion problems upstream or downstream? ( )
- f.** What effect will the alteration have on fish habitat? ( )
- g.** Will the materials used or the removal of ground cover create turbidity or other water quality problems? ( )

- h.** Will the alteration interfere with recreational use of the stream? ( )
- i.** Will the alteration detract from the aesthetic beauty of the area? ( )
- j.** What modification or alternative solutions are reasonably possible which would reduce the disturbance to the stream channel and its environment and/or better accomplish the desired goal of the proposed alteration? ( )
- k.** Is the alteration to be accomplished in accordance with the adopted minimum standards? ( )
- l.** Are there public safety factors to consider? ( )

**02. Proposed Alteration Which Does Not Follow Minimum Standards.** In those cases where a proposed alteration does not follow the minimum standards, a copy of the application will be sent for review to those state agencies requesting notification. The Director shall provide for review by the Department of Lands, copies of applications on navigable rivers. The Director will provide a copy of any other application requested by the Department of Lands and may request review by other state agencies regardless of whether or not the proposed alteration will comply with the minimum standards. ( )

**036. -- 039. (RESERVED)**

**040. APPROVAL (RULE 40).**

**01. Conformance to Application.** All work shall be done in accordance with the approved application, subject to any conditions specified by the department. ( )

**02. Permits Allowed Without Review.** A permit may be approved by the Director of the Department of Water Resources without review by other agencies in situations where the work is of a nature not uncommon to the particular area and where it is clear that the work will not seriously degrade the stream values except on navigable rivers which require review by the Department of Lands. All work approved in this manner shall be accomplished in accordance with the minimum standards. ( )

**03. Reinstatement of Expired Permit.** A permit which has expired may be reinstated by the Director after review by other agencies as determined by the Director. ( )

**041. -- 044. (RESERVED)**

**045. ENFORCEMENT OF ACT (RULE 45).**

**01. Written Orders Issued by Designated Employees of Department.** Employees of the Department designated by the Director may issue written orders directing an applicant to cease and desist, to ensure proper notice to applicants who are found to be altering a stream without a permit or not in compliance with the conditions of a permit. Such orders shall be in effect immediately upon issuance and will continue in force until a permit is issued or until the order is rescinded by the Director. ( )

**02. Failure to Comply with Stream Protection Act.** Failure to comply with any of the provisions of the Stream Protection Act (Chapter 38, Title 42, Idaho Code), may result in issuance of an Idaho uniform citation and/or the cancellation of any permit by the Director without further notice and the pursuit in a court of competent jurisdiction, such civil or criminal remedies as may be appropriate and provided by law. The Director may allow reasonable time for an applicant to complete stabilization and restoration work. ( )

**046. -- 049. (RESERVED)**

**050. EMERGENCY WAIVER (RULE 50).**

**01. Waiver of Provisions of Stream Protection Act.** Section 42-3808, Idaho Code, provides for waiver

of the provisions of the Stream Protection Act in emergency situations where immediate action must be taken to protect life or property including growing crops. The Director will not consider failure to submit an application for a stream channel alteration far enough ahead of the desired starting time of the construction work as an emergency situation. ( )

**02. Verbal Waivers.** A verbal waiver may be granted initially; however, all verbal requests for waivers shall be followed up by the applicant in writing within fifteen (15) days of any initial authorization to do work. If the applicant is unable to contact the Director to obtain an emergency waiver, he may proceed with emergency work; however, he must contact the Director as soon as possible thereafter. Proving that a bonafide emergency did actually exist will be the responsibility of the applicant. ( )

**03. Emergency Waiver.** Work authorized by an emergency waiver shall be limited to only that which is necessary to safeguard life or property, including growing crops, during the period of emergency. ( )

**04. Conformance to Conditions of Waiver.** The applicant shall adhere to all conditions set by the Director as part of a waiver. ( )

**05. Waivers Granted by Designated Employees.** The Director may delegate the authority to grant waivers to designated employees of the Department. Names and telephone numbers of such employees will be made available to any interested applicant upon request. ( )

**051. -- 054. (RESERVED)**

**055. MINIMUM STANDARDS (RULE 55).**

These standards are intended to cover the ordinary type of stream channel alteration and to prescribe minimum conditions for approval of such construction. Unless otherwise provided in a permit, these standards shall govern all stream channel alterations in this state. An applicant should not assume that because an application utilizes methods set forth in these standards it will automatically be approved. These minimum standards include the following items: ( )

- 01. Construction Procedures.** ( )
- 02. Dumped Rock Riprap.** ( )
- 03. Drop Structures, Sills and Barbs.** ( )
- 04. Culverts and Bridges.** ( )
- 05. Removal of Sand and Gravel Deposits.** ( )
- 06. Small Scale Mining with Suction Dredges ~~and~~ Powered Sluices, or Non-Powered Sluice Equipment.** ( )
- 07. Piling.** ( )
- 08. Pipe Crossings.** ( )
- 09. Concrete Plank Boat Launch Ramps.** ( )

**056. CONSTRUCTION PROCEDURES (RULE 56).**

**01. Conformance to Procedures.** Construction shall be done in accordance with the following procedures unless specific approval of other procedures has been given by the Director. When an applicant desires to proceed in a manner different from the following, such procedures should be described on the application. ( )

**02. Operation of Construction Equipment.** No construction equipment shall be operated below the existing water surface without specific approval from the Director except as follows: Fording the stream at one (1) location only will be permitted unless otherwise specified; however, vehicles and equipment will not be permitted to push or pull material along the streambed below the existing water level. Work below the water which is essential for preparation of culvert bedding or approved footing installations shall be permitted to the extent that it does not create unnecessary turbidity or stream channel disturbance. Frequent fording will not be permitted in areas where extensive turbidity will be created. ( )

**03. Temporary Structures.** Any temporary crossings, bridge supports, cofferdams, or other structures that will be needed during the period of construction shall be designed to handle high flows that could be anticipated during the construction period. All structures shall be completely removed from the stream channel at the conclusion of construction and the area shall be restored to a natural appearance. ( )

**04. Minimizing Disturbance of Area.** Care shall be taken to cause only the minimum necessary disturbance to the natural appearance of the area. Streambank vegetation shall be protected except where its removal is absolutely necessary for completion of the work adjacent to the stream channel. ( )

**05. Disposal of Removed Materials.** Any vegetation, debris, or other material removed during construction shall be disposed of at some location out of the stream channel where it cannot reenter the channel during high stream flows. ( )

**06. New Cut of Fill Slopes.** All new cut or fill slopes that will not be protected with some form of riprap shall be seeded with grass and planted with native vegetation to prevent erosion. ( )

**07. Fill Material.** All fill material shall be placed and compacted in horizontal lifts. Areas to be filled shall be cleared of all vegetation, debris and other materials that would be objectionable in the fill. ( )

**08. Limitations on Construction Period.** The Director may limit the period of construction as needed to minimize conflicts with fish migration and spawning, recreation use, and other uses. ( )

#### **057. DUMPED ROCK RIPRAP (RULE 57).**

**01. Placement of Riprap.** Riprap shall be placed on a granular bedding material or a compact and stable embankment. ( )

**02. Sideslopes of Riprap.** Sideslopes of riprap shall not be steeper than 2:1 (2' horizontal to 1' vertical) except at ends of culverts and at bridge approaches where a 1 1/2:1 sideslope is standard. ( )

**03. Minimum Thickness of Riprap.** The minimum thickness of the riprap layer shall equal the dimension of the largest size riprap rock used or be eighteen (18) inches, whichever is greater. When riprap will be placed below high water level, the thickness of the layer shall be fifty percent (50%) greater than specified below. ( )

**04. Riprap Protection.** Riprap protection must extend at least one (1) foot above the anticipated high water surface elevation in the stream. ( )

**05. Rock Used for Riprap.** Rock for riprap shall consist of sound, dense, durable, angular rock fragments, resistant to weathering and free from large quantities of soil, shale, and organic matter. The length of a rock shall not be more than three (3) times its width or thickness. Rounded cobbles, boulders, and streambed gravels are not acceptable as dumped riprap. ( )

**06. Size and Gradation of Riprap.** Riprap size and gradation are commonly determined in terms of the weight of riprap rock. The average size of riprap rock shall be at least as large as the maximum size rock that the stream is capable of moving. The maximum size of riprap rock used shall be two (2) to five (5) times larger than the average size. ( )

**07. Methods Used for Determining Gradation of Riprap.** There are many methods used for determining the gradation of riprap rock. One of these many acceptable methods is shown in Table 1 below the Far West States (FWS) method shown in APPENDIX A - Table 1A at the end of this chapter.

GRADATION OF RIPRAP IN POUNDS		
Max. Weight of Stone required (lbs)	Min. and Max. Range in weight of Stones (lbs)	Weight Range 75 percent of Stones (lbs)
150	25 - 150	50 - 150
200	25 - 200	50 - 200
250	25 - 250	50 - 250
400	25 - 400	100 - 400
600	25 - 600	150 - 600
800	25 - 800	200 - 800
1000	50 - 1000	250 - 1000
1300	50 - 1300	325 - 1300
1600	50 - 1600	400 - 1600
2000	75 - 2000	600 - 2000
2700	100 - 2700	800 - 2700

( )

**08. Use of Filter Material.** A blanket of granular filter material or filter fabric shall be placed between the riprap layer and the bank in all cases where the bank is composed of erodible material that may be washed out from between the riprap rock. Filter material shall consist of a layer of well-graded gravel and coarse sand at least six (6) inches thick. ( )

**09. Toe Protection.** Some suitable form of toe protection shall be provided for riprap located on erodible streambed material. ( )

**a.** Various acceptable methods of providing toe protection are shown in APPENDIX B at the end of this chapter. ( )

**b.** In addition to the approved methods of providing toe protection as shown in APPENDIX B at the end of this chapter, any other reasonable method will be considered by the Director during review of a proposed project. ( )

**10. Extension of Riprap Area.** Riprap shall extend far enough upstream and downstream to reach stable areas, unless protected against undermining at ends by the method shown in APPENDIX C, Figure 3 at the end of this chapter. On extremely long riprap sections, it is recommended that similar cutoff sections be used at several intermediate points to reduce the hazard that would be created if failure of the riprap occurred at any one (1) location. ( )

11. **Finished Surface.** Placement shall result in a smooth, even finished surface. Compaction is not necessary. ( )

12. **Placement of Riprap.** The full course thickness of the riprap shall be placed in one (1) operation. Dumping riprap long distances down the bank or pushing it over the top of the bank with a dozer shall be avoided if possible. Material should be placed with a backhoe, loader, or dragline. Dumping material near its final position on the slope or dumping rock at the toe and bulldozing it up the slope is a very satisfactory method of placement, if approval is obtained for the use of equipment in the channel. ( )

13. **Design Procedure.** Design procedure using the Far West States (FWS) method. ( )

a. The FWS method uses a single equation to deal with variables for riprap. ( )

$D_{75} = 3.5/CK$  WDS for Channel Banks

where:  $D_{75}$  = Size of the rock at seventy five percent (75%) is finer in gradation, in inches.

W	=	Specific weight of water, usually 62.4 lbs./cu.ft.
D	=	Depth of flow in stream, in feet in flood stage
S	=	Channel slope or gradient, in ft/ft.
C	=	A coefficient relating to curvature in the stream
K	=	A coefficient relating to steepness of bank slopes

( )

b. The coefficient, C, is based on the ratio of the radius of curvature of the stream, (CR), to the water surface width, (WSW), so it is necessary for the user to make field determination of these values. The coefficient varies from 0.6 for a curve ratio of 4 to 6, up to 1.0 for a straight channel. If the computed ratio for a particular project is less than 4, the designer should consider some modification less than 4.

CR/WSW	C
4 - 6	0.60
6 - 9	0.75
9 - 12	0.90
Straight Channel	1.00

( )

c. The coefficient, K, ranges from 0.5 for a 1.5:1 sideslope to 0.87 for 3:1 sideslope. No values are given for steeper or flatter slopes. Slopes steeper than 1.5:1 are not recommended. If slopes flatter than 3:1 are desired, it would be conservative to use the K-value for 3:1 slopes.

Bankslope	K
1.5:1	0.50



1.75:1	0.63
2.0:1	0.72
2.5:1	0.80
3.0:1	0.87

( )

Table 1A in APPENDIX A, located at the end of this chapter.

## **058. DROP STRUCTURES, SILLS AND BARBS (RULE 58).**

**01. Drop Structures.** A drop structure shall be constructed of rocks, boulders and/or logs placed within a stream channel to act as a low level dam. Placement of a drop structure perpendicular to stream flow will decrease the stream gradient, dissipate stream energy and decrease stream velocity through an increase in water surface elevation immediately above the structure. Drop structures shall comply with the following criteria: ( )

**a.** Maximum water surface differential across (upstream water surface elevation minus downstream water surface elevation) a drop structure shall not exceed two (2) feet. The department shall approve the final elevation of any structure. ( )

**b.** Rock drop structures shall be constructed of clean, sound, dense, durable, angular rock fragments, and/or boulders of size and gradation, such that the stream is incapable of moving the material during peak flows. Rocks shall be keyed into the stream banks to minimize the likelihood of bank erosion, (See Figure 8 in APPENDIX H located at the end of this chapter). ( )

**c.** Log drop structures are acceptable in four (4) designs including the single log dam, the stacked log dam, the three (3) log dam, and the pyramid log dam. Log ends shall be keyed into both banks at least one-third (1/3) of the channel width or a distance sufficient to prevent end erosion. To prevent undercutting, the bottom log shall be imbedded in the stream bed or hardware cloth, cobbles or boulders shall be placed along the upper edge. Minimum log size for a single log structure shall be determined by on-site conditions and shall be placed to maintain flow over the entire log to prevent decay. Each log drop structure must be accompanied by downstream scour protection, such as a rock apron (See Figure 9 in APPENDIX I located at the end of this chapter). ( )

**d.** All drop structures shall be constructed to facilitate fish passage and centralized scour pool development. ( )

**02. Sills.** A sill shall be constructed of the same material and in the same manner as a drop structure. The top of the sill may not exceed the elevation of the bottom of the channel. The purpose of a sill is to halt the upstream movement of a headcut, thus precluding the widening or deepening of the existing channel. (See Figure 10 in APPENDIX J located at the end of this chapter). ( )

**03. Barb or Partial Drop Structure.** A barb or partial drop structure shall be constructed in the same manner and of the same material as a drop structure and placed into the stream channel to act as a low level dam and grade control structure. The barb will decrease stream gradient, dissipate stream energy and redirect stream flow. ( )

**a.** Barbs shall be constructed of clean, sound, dense, angular rock fragments, of size and gradation such that the stream is incapable of moving the material during peak flows. ( )

**b.** Barbs shall be constructed with a downstream angle of no less than one hundred (100) degrees and no greater than one hundred thirty-five (135) degrees unless otherwise specified. ( )

c. Barbs shall “extend” into the channel a distance of not more than twenty percent (20%) of the width of the channel unless otherwise specified by the Director. ( )

d. Barbs shall be keyed into the bank a distance equal to or greater than the width of the structure and down to bed level. Whenever moisture is encountered in the construction of the keyways, willow cuttings or clumps shall be placed before and during rock placement in such a manner that the base of the cutting is in permanent moisture and the top extends a minimum of six (6) inches above grade (see Figure 11 in APPENDIX K located at the end of this chapter). ( )

#### 059. CULVERTS AND BRIDGES (RULE 59).

01. **Culverts and Bridges.** Culverts and bridges shall be capable of carrying streamflows and shall not significantly alter conditions upstream or downstream by causing flooding, turbidity, or other problems. The appearance of such installations shall not detract from the natural surroundings of the area. ( )

02. **Location of Culverts and Bridges.** Culverts and bridges should be located so that a direct line of approach exists at both the entrance and exit. Abrupt bends at the entrance or exit shall not exist unless suitable erosion protection is provided. ( )

03. **Ideal Gradient.** The ideal gradient (bottom slope) is one which is steep enough to prevent silting but flat enough to prevent scouring due to high velocity flows. It is often advisable to make the gradient of a culvert coincide with the average streambed gradient. ( )

a. Where a culvert is installed on a slope steeper than twenty percent (20%), provisions to anchor the culvert in position will be required. Such provisions shall be included in the application and may involve the use of collars, headwall structures, etc. Smooth concrete pipe having no protruding bell joints or other irregularities shall have such anchoring provisions if the gradient exceeds ten percent (10%). ( )

04. **Size of Culvert or Bridge Opening.** The size of the culvert or bridge opening shall be such that it is capable of passing design flows without overtopping the streambank or causing flooding or other damage. ( )

a. Design flows shall be based upon the following minimum criteria:

Drainage Area	Design Flow Frequency
Less than 50 sq. mi.	25 Years
Over 50 sq. mi. or more	50 years or greatest flow of record, whichever is more

( )

b. For culverts and bridges located on U.S. Forest Service or other federal lands, the sizing should comply with the Forest Practices Act as adopted by the federal agencies or the Department of Lands. ( )

c. For culverts or bridges located in a community qualifying for the national flood issuance program, the minimum size culvert shall accommodate the one hundred (100) year design flow frequency. ( )

d. If the culvert or bridge design is impractical for the site, the crossing may be designed with additional flow capacity outside the actual crossing structure, provided there is no increase in the Base Flood Elevation. (NOTE: When flow data on a particular stream is unavailable, it is almost always safe to maintain the existing gradient and cross-section area present in the existing stream channel. Comparing the proposed crossing size with others upstream or downstream is also a valuable means of obtaining information regarding the size needed for a proposed crossing.) ( )

**e.** Minimum clearance shall be at least one (1) foot at all bridges. This may need to be increased substantially in the areas where ice passage or debris may be a problem. Minimum culvert sizes required for stream crossings: ( )

i. Eighteen (18) inch diameter for culverts up to seventy (70) feet long; ( )

ii. Twenty-four (24) inch diameter for all culverts over seventy (70) feet long. ( )

**f.** In streams where fish passage is of concern as determined by the director, an applicant shall comply with the following provisions and/or other approved criteria to ensure that passage will not be prevented by a proposed crossing.( )

**g.** Minimum water depth shall be approximately eight (8) inches for salmon and steelhead and at least three (3) inches in all other cases. ( )

**h.** Maximum flow velocities for streams shall not exceed those shown in Figure 17 in APPENDIX N, located at the end of this chapter, for more than a forty-eight (48) hour period. The curve used will depend on the type of fish to be passed. ( )

**i.** Where it is not feasible to adjust the size or slope to obtain permissible velocities, the following precautions may be utilized to achieve the desired situation. ( )

**j.** Baffles downstream or inside the culvert may be utilized to increase depth and reduce velocity. Design criteria may be obtained from the Idaho Fish and Game Department. ( )

**k.** Where multiple openings for flow are provided, baffles or other measures used in one (1) opening only shall be adequate provided that the opening is designed to carry the main flow during low-flow periods. ( )

**05. Construction of Crossings.** When crossings are constructed in erodible material, upstream and downstream ends shall be protected from erosive damage through the use of such methods as dumped rock riprap, headwall structures, etc., and such protection shall extend below the erodible streambed and into the banks at least two (2) feet unless some other provisions are made to prevent undermining. ( )

**a.** Where fish passage must be provided, upstream drops at the entrance to a culvert will not be permitted and a maximum drop of one (1) foot will be permitted at the downstream end if an adequate jumping pool is maintained below the drop. ( )

**b.** Downstream control structures such as are shown in Figure 18 in APPENDIX O, located at the end of this chapter, can be used to reduce downstream erosion and improve fish passage. They may be constructed with gabions, pilings and rock drop structures. ( )

**06. Multiple Openings.** Where a multiple opening will consist of two (2) or more separate culvert structures, they shall be spaced far enough apart to allow proper compaction of the fill between the individual structures. The minimum spacing in all situations shall be one (1) foot. In areas where fish passage must be provided, only one (1) opening shall be constructed to carry all low flows. Low flow baffles may be required to facilitate fish passage. ( )

**07. Areas to be Filled.** All areas to be filled shall be cleared of vegetation, topsoil, and other unsuitable material prior to placing fill. Material cleared from the site shall be disposed of above the high water line of the stream. Fill material shall be reasonably well-graded and compacted and shall not contain large quantities of silt, sand, organic matter, or debris. In locations where silty or sandy material must be utilized for fill material, it will be necessary to construct impervious sections both upstream and downstream to prevent the erodible sand or silt from being carried away (see Figure 19, APPENDIX P, located at the end of this chapter), Sideslopes for fills shall not exceed one and one half to one (1.5:1). Minimum cover over all culvert pipes and arches shall be one (1) foot.

( )

**08. Installation of Pipe and Arch Culvert.** All pipe and arch culverts shall be installed in accordance with manufacturer's recommendations. ( )

**a.** The culvert shall be designed so that headwaters will not rise above the top of the culvert entrance unless a headworks is provided. ( )

**060. REMOVAL OF SAND AND GRAVEL DEPOSITS (RULE 60).**

**01. Removal of Sand and Gravel.** This work consists of removal of sand and gravel deposits from within a stream channel. The following conditions shall be adhered to unless other methods have been specified in detail on the application and approved by the Director. ( )

**02. Removal Below Water Surface.** Sand and gravel must not be removed below the water surface existing at the time of the work. Where work involves clearing a new channel for flow, removal of material below water level will be permitted to allow this flow to occur; however, this must not be done until all other work in the new channel has been completed. ( )

**03. Buffer Zone.** A buffer zone of undisturbed streambed material at least five (5) feet in width or as otherwise specified by the Director shall be maintained between the work area and the existing stream. The applicant shall exercise reasonable precautions to ensure that turbidity is kept to a minimum and does not exceed state water quality standards. ( )

**04. Movement of Equipment.** Equipment may cross the existing stream in one (1) location only, but shall not push or pull material along the streambed while crossing the existing stream. ( )

**05. Disturbing Natural Appearance of Area.** Work must be done in a manner that will least disturb the natural appearance of the area. Sand and gravel shall be removed in a manner that will not leave unsightly pits or other completely unnatural features at the conclusion of the project. ( )

**061. SMALL SCALE MINING WITH SUCTION DREDGES AND, POWERED SLUICES, OR NON-POWERED SLUICE EQUIPMENT (RULE 61).**

**01. Small Scale Mining Permit.** The Director may issue a permit for the operation of a powered suction dredge or power sluice, or certain qualified non-powered mining activities that follow minimum standards (Rule 61), within stream channels designated as open by the Department or Board. A powered suction dredge or power sluice shall only be operated in accordance with the conditions of the Small Scale Mining Permit. A power sluice and a high-banker are synonymous for the purposes of these rules. ( )

**02. Standards for Suction Dredges Small Scale Mining Permits.** The following standards shall apply only to uses of suction dredges and power sluices below the mean high water mark with nozzle diameters of five (5) inches or less and powered equipment rated at fifteen (15) HP or less and, or the use of non-powered sluice equipment moving more than one-quarter (1/4) cubic yard per hour. ( )

**02. Operating Permit.** A permit for the operation of a suction dredge may authorize the use of the dredge within a drainage basin or a large portion of a drainage basin except as otherwise determined by the Director. ( )

**03. Powered Mechanized Equipment Prohibited Below High Water Mark.** There shall be no use of mechanized powered equipment below the mean high water mark except for the suction dredge itself, or power sluice and any human life support system necessary to operate the suction dredge or power sluice. ( )

**04. Operation of Dredge Protection of Streambanks.** The operation of the a suction dredge or power sluice, or the use of non-powered equipment shall be done carried out in a manner so as to that prevents the undercutting of streambanks. ( )

**05. Permit Required for Certain Non-Powered Operations -- More Than Five People.** A permit shall be Small Scale Mining Permit is required for any non-powered operation in which more than five (5) people are working the same area, mining activities when those activities include: (1) the use of non-powered equipment by more than five (5) people mining the same area, or (2) the use of non-powered equipment where the disturbed area at the mining location exceeds thirty three (33) percent of the width of the wetted stream channel. ( )

**06. Permit Required for Non-Powered Operation -- More Than Thirty-Three Percent of Stream Width.** A permit shall be required for any non-powered operation if the disturbed area exceeds thirty three percent (33%) of the stream width at the mining location. ( )

**07.6. Limitation of Mining Sites.** Only one (1) mining site per one hundred (100) linear feet of stream channel shall be worked at one (1) time unless waived by the Director. ( )

#### **062. PILING (RULE 62).**

**01. Standards for Pilings.** The following standards apply to a piling associated with a boat or swimming dock, a log boom, a breakwater, or bridge construction. ( )

**02. Replacement of Pilings.** In replacing a piling the old piling shall be completely removed from the channel, secured to the new piling or cut at stream bed level. ( )

**03. Condition of Pilings.** Chemicals or compounds used for protection of piles and lumber shall be thoroughly dried to prevent bleeding, weeping or dissolution before placing such piles and lumber over, in or near water. ( )

**04. Prohibited Materials.** The application of creosote, arsenicals or phentachlorophenol (Penta) to timber shall not occur in, or over water. ( )

#### **063. PIPE CROSSINGS (RULE 63).**

**01. Standards for Pipe Crossings.** The following standards apply to pipe crossings to be installed below the bed of a stream or river such as utility crossings of a gas line, sewer line, electrical line, communication line, water line or similar line. ( )

**02. Depth of Line.** The line shall be installed below the streambed to a depth which will prevent erosion and exposure of the line to free flowing water. In areas of high stream velocity where scouring may occur, the pipe shall be encased in concrete or covered with rock riprap to prevent the pipeline from becoming exposed. ( )

**03. Pipe Joints.** The joints shall be welded, glued, cemented or fastened together in a manner to provide a water tight connection. ( )

**04. Construction Methods.** Construction methods shall provide for eliminating or minimizing discharges of turbidity, sediment, organic matter or toxic chemicals. A settling basin or cofferdam may be required for this purpose. ( )

**05. Cofferdam.** If a cofferdam is used, it shall be completely removed from the stream channel upon completion of the project. ( )

**06. Revegetation of Disturbed Areas.** Areas disturbed as a result of the alteration shall be revegetated with plants and grasses native to these areas. ( )

#### **064. CONCRETE PLANK BOAT LAUNCH RAMPS (RULE 64).**

**01. Construction of Concrete Plank Boat Launch Ramps.** Concrete plank boat launch ramps, shall

be constructed with individual sections of precast, reinforced concrete planks linked together to provide a stable non-erosive water access. Typical plank size is twelve feet by fourteen inches by four inches (12' x 14" x 4"). (See Figure 20, APPENDIX Q, located at the end of this chapter). ( )

**02. Construction of Planks.** All planks shall be constructed with Type II low alkali cement. ( )

**03. Concrete Planks.** All concrete planks shall have a smooth form finish, free of rock pockets and loose materials. Figure 22 shows a typical launch plank detail. (See Figures 21 and 22 in APPENDIXES R and S). ( )

**04. Assembly of Planks.** The planks shall be assembled out of the water and slid into place on a constructed launch ramp where water velocities do not exceed two (2) feet per second. In waters exceeding (2) feet per second the ramp sections shall be linked together and fastened to pre-positioned stringers anchored into the launch ramp. (See Figure 23, APPENDIX T, located at the end of this chapter). ( )

**05. Water Depth.** The water depth above the lower end of the ramp section shall not be less than three (3) feet during low level or low flow periods. (See Figure 20, APPENDIX Q, located at the end of this chapter). ( )

**06. Construction of Boat Ramp.** The boat launch ramp shall have a base constructed of sound, dense, durable, angular rock resistant to weathering and free from soil, shale and organic materials. Rounded cobbles, boulders and streambed material are not acceptable as base material in areas with stream flow velocities greater than two (2) fps. Base materials shall be covered with a layer of (three-fourths inches (3/4") min.) crushed rock with a minimum depth of two inches (2"). The ramp shall have a minimum and maximum slope of ten percent (10%) and fifteen percent (15%) respectively, and shall be constructed in a manner to avoid long incursions into the stream channel. All ramps and fill material shall be protected with rock riprap in accordance with Rule 057 when stream flow velocities exceed two (2) fps. (See Figure 24, APPENDIX U, located at the end of this chapter). ( )

**065. -- 069. (RESERVED)**

**070. HEARINGS ON DENIED, LIMITED, OR CONDITIONED PERMIT OR OTHER DECISIONS OF THE DIRECTOR (RULE 70).**

Any applicant who is granted a limited or conditioned permit, or who is denied a permit, may seek a hearing on said action of the Director by serving on the Director written notice and request for a hearing before the Board within fifteen (15) days of receipt of the Director's decision. Said hearing will be set, conducted, and notice given as set forth in the Rules promulgated by the Board under the provisions of Title 67, Chapter 52, Idaho Code. ( )

**071. -- 999. (RESERVED)**

**APPENDIX A**

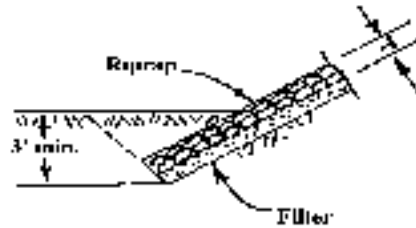
**Table 1A**

**Riprap Gradation Using FWS Method**

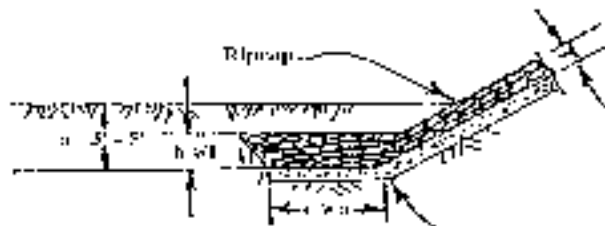
<b>% Finer by Weight (Lbs.)</b>	<b>Minimum Size (Lbs.)</b>	<b>Maximum Size (Lbs.)</b>
D <sub>100</sub>	1.33 X D <sub>75</sub>	2.0 X D <sub>75</sub>
D <sub>75</sub>	1.0 X D <sub>75</sub>	1.67 X D <sub>75</sub>
D <sub>50</sub>	0.67 X D <sub>75</sub>	1.17 X D <sub>75</sub>

D <sub>25</sub>	0.33 X D <sub>75</sub>	0.77 X D <sub>75</sub>
D <sub>0</sub>	None	0.33 X D <sub>75</sub>

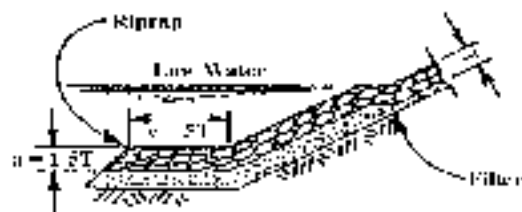
## APPENDIX B



**METHOD 1:** This is most suited to areas where the toe is dry during construction.



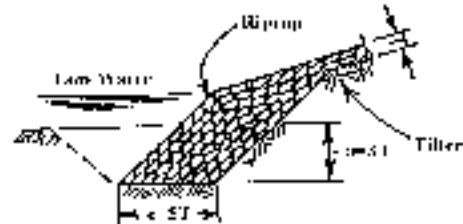
**METHOD 2:** Used when structural is very wet or groundwater present makes using Method 1 impractical.



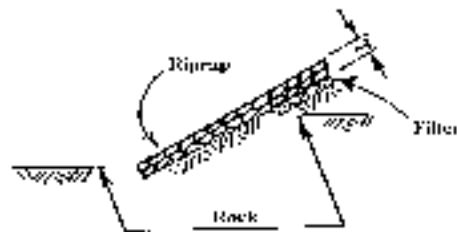
**METHOD 3:** Often used when toe is underwater during construction. Both Methods 2 and 3 utilize the idea that underpinning will cause rock at toe to sink into eroded area providing protection during scouring.

**FIGURE 2. Acceptable toe protection**

## APPENDIX B (CONTINUED)



METHOD 1: Used underneath in areas with extremely bad stream bed erosion conditions which make Method 3 undesirable. This method may also be preferred where Method 3 would destroy fish spawning beds.

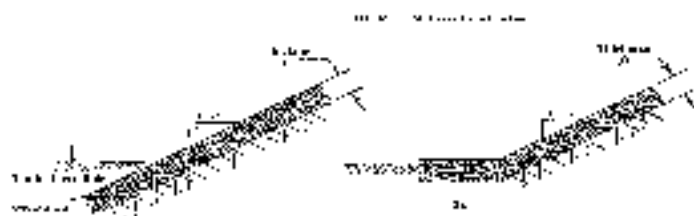
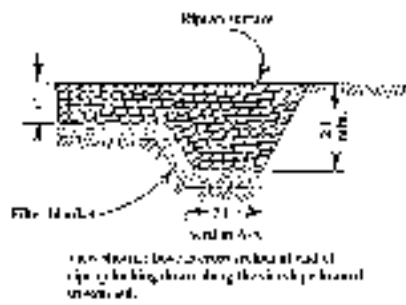
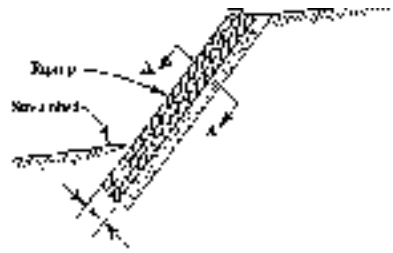


METHOD 2: When the streambed is non erodible, no special provisions for toe protection are needed other than insuring that the riprap is well keyed to the rock.

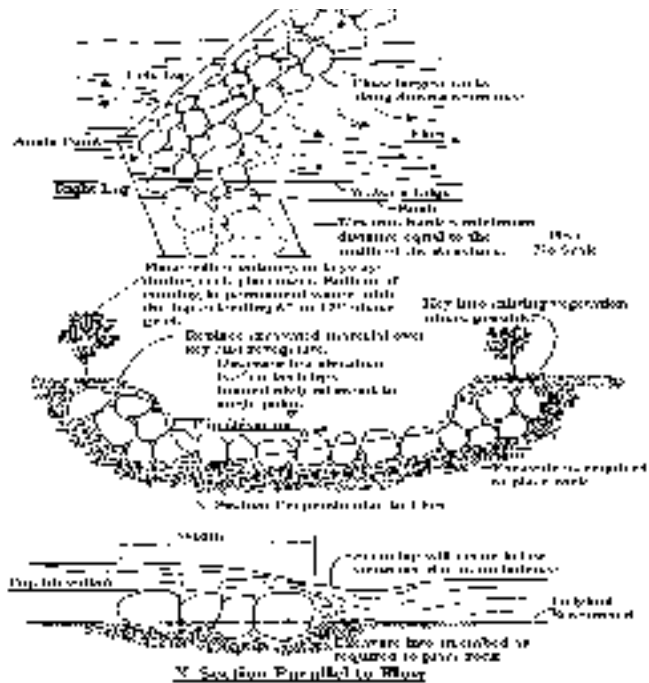
FIGURE 2. Acceptable for protection *continued*



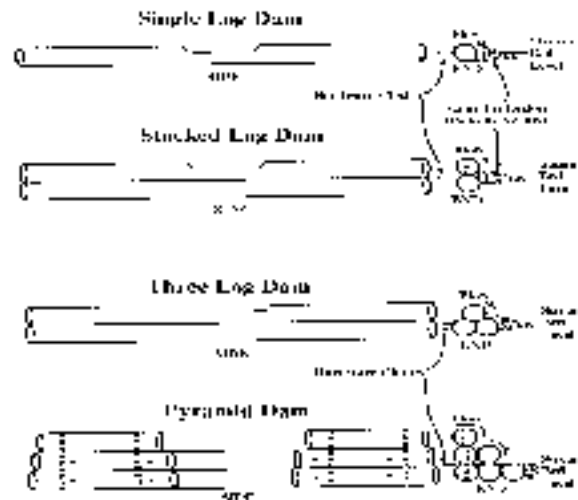
## APPENDIX C



## APPENDIX E

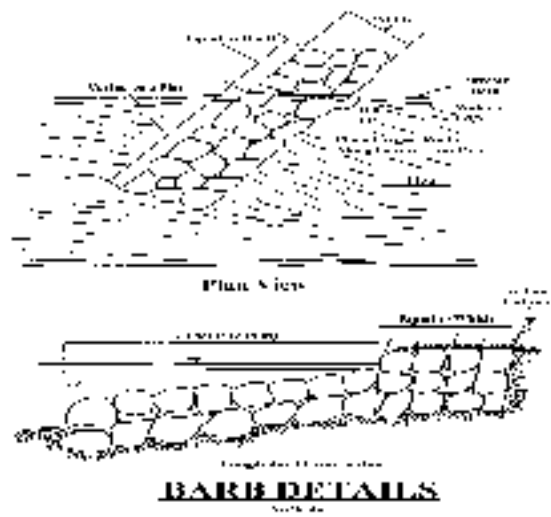
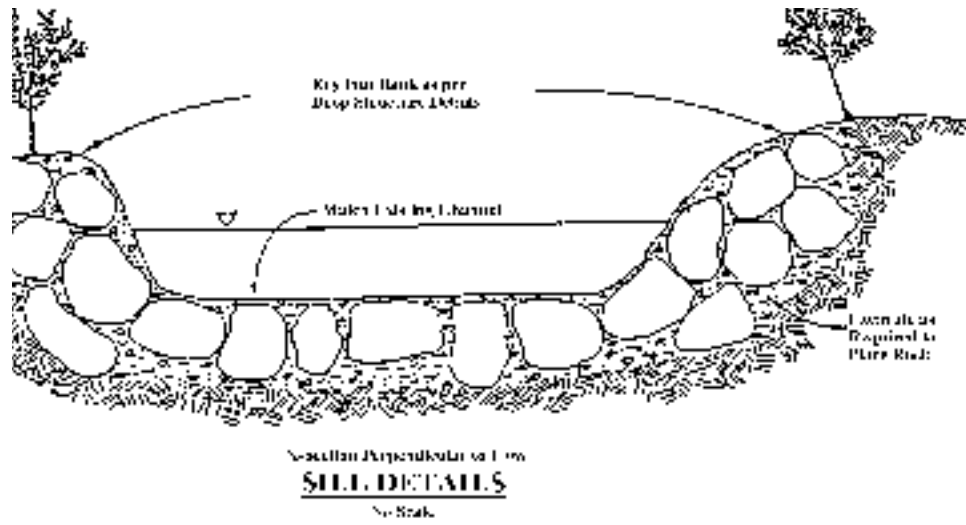


### ROCK DROP STRUCTURE DETAILS

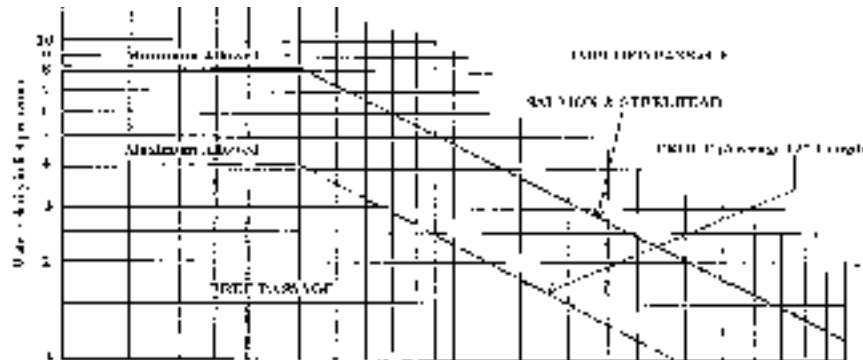


#### LEGAL REPRESENTATIVE DETAILS

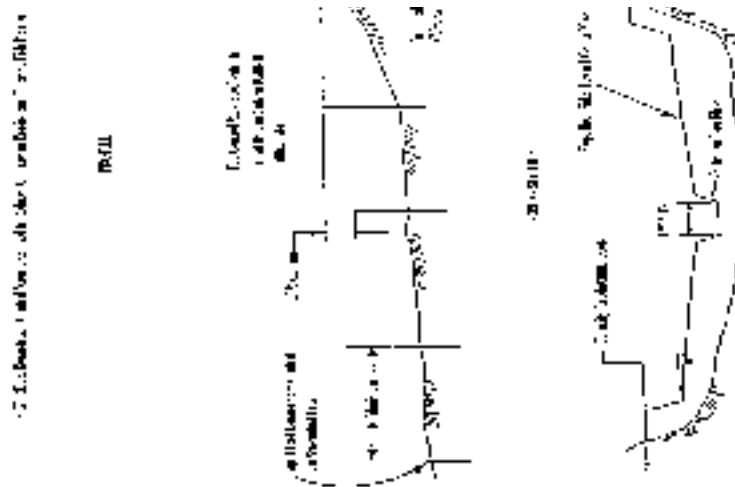
## APPENDIX G



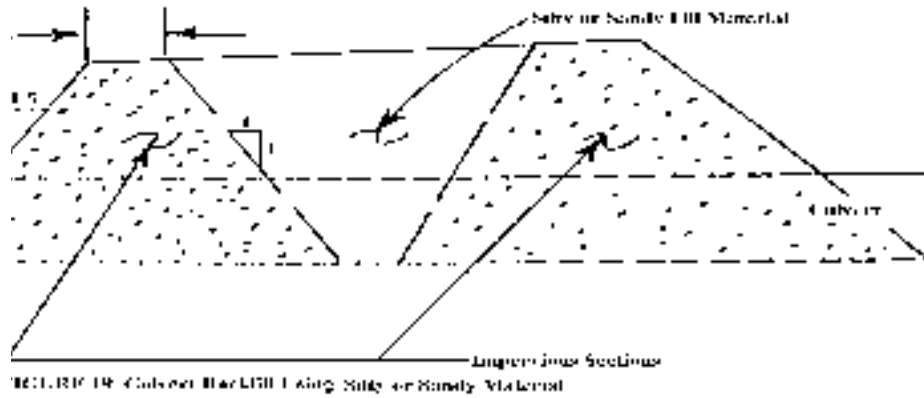
## APPENDIX I



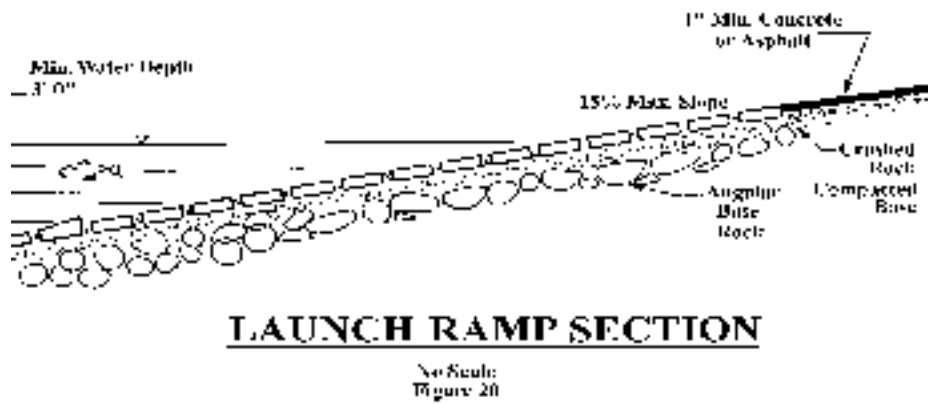
## APPENDIX J



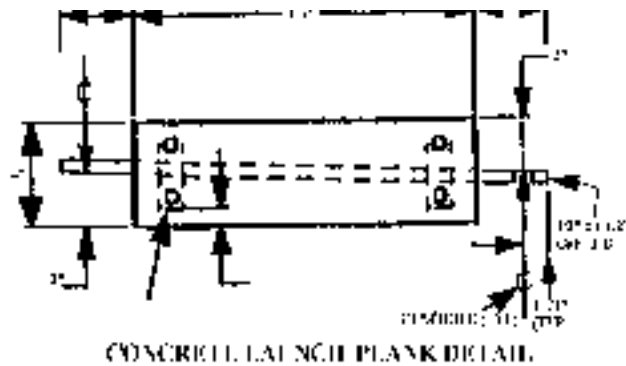
## APPENDIX K



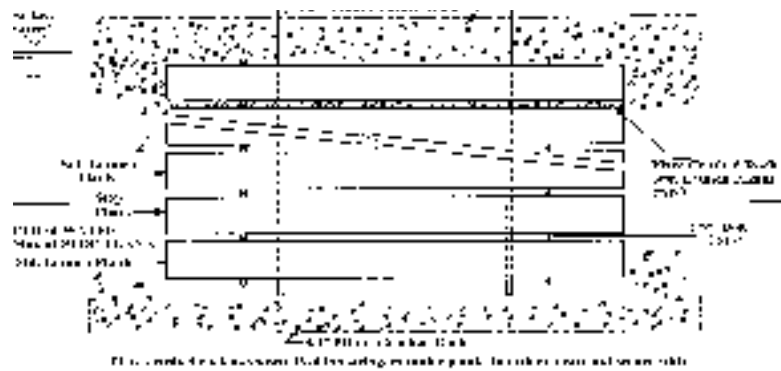
## APPENDIX L



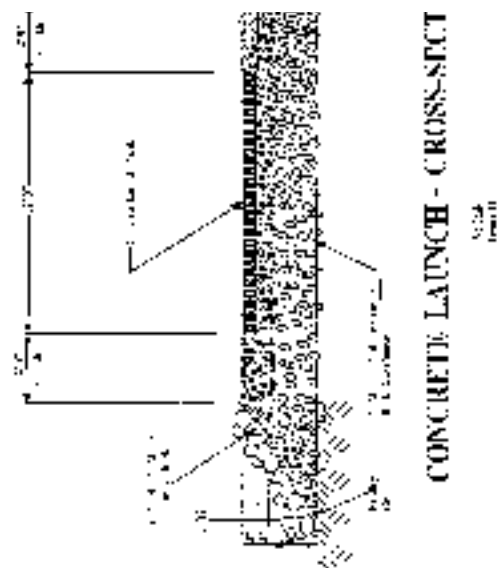
## APPENDIX M



## APPENDIX O



## APPENDIX P



# IDWR/IWRB (AGENCY) PRELIMINARY DRAFT RULE (STRAWMAN) 2.0

DOCKET NO. 37-0101-2101

June 15, 2021

## IDAPA 37 – DEPARTMENT OF WATER RESOURCES

### 37.01.01 – RULES OF PROCEDURE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

#### 000. LEGAL AUTHORITY (RULE 0).

This chapter is adopted under the legal authority of Sections 42-1701A(1), 42-1734(19), 42-1737(c), 42-1805(8), and 67- 5206(5), Idaho Code. ( )

#### 001. TITLE AND SCOPE (RULE 1).

01. Title. The title of this chapter is “Rules of Procedure of the Idaho Department of Water Resources.” ( )

02. Scope. This chapter contains the rules of procedure that govern contested case proceedings before the Idaho Department of Water Resources and the Idaho Water Resource Board. These rules do not apply to enforcement actions under Section 42-1701B, Idaho Code. ( )

#### 002. DEFINITIONS (RULE 2).

01. Agency. The Department of Water Resources or the Water Resource Board acting within their respective authority to determine contested cases. The term “agency” may include the Director of the Department, the Water Resource Board, or a presiding officer appointed by the agency. ( )

02. Agency Action. Agency action means: ( )

a. The whole or part of an order; ( )

b. The failure to issue an order; or ( )

c. An agency’s performance of, or failure to perform, any duty placed on it by law. ( )

03. Agency Head. The Idaho Water Resource Board or Director of the Department. ( )

04. Board. The Idaho Water Resource Board. ( )

05. Contested Case. A proceeding which results in the issuance of an order. ( )

06. Department. The Idaho Department of Water Resources. ( )

07. Director. The agency head of the Idaho Department of Water Resources.

08. Exceptions. A petition asking the agency head to review a recommended or preliminary order. ( )

09. Hearing Officer. A hearing officer is a person other than the agency head appointed to hear a



contested case on behalf of the agency. Agency heads are not hearing officers, even if they are presiding at contested cases. The term “hearing officer” as used in these rules refers only to officers subordinate to the agency head.  
( )

**108. License.** The whole or part of any agency permit, license, approval, or similar form of authorization required by law, but does not include a license required solely for revenue purposes. ( )

**0119. Order.** An agency action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific persons. ( )

**120. Party.** Each person ~~or agency~~ named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, including an applicant, petitioner, respondent, protestant or intervenor. ( )

**131. Person.** Any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization or entity of any character. ( )

**142. Petition.** A pleading requesting a modification, amendment or stay of an existing order of the agency, the clarification, declaration or construction of the law administered by the agency, the clarification, declaration or construction of a person’s rights or obligations under law administered by the agency, rehearing of a contested case, or intervention—, or to otherwise request the agency take action that will result in the issuance of an order. ( )

**15. Presiding Officer.** One (1) or more members of the agency board, the agency director, or duly appointed hearing officers may preside at hearing as authorized by statute or rule. When more than one (1) officer sits at hearing, they may all jointly be presiding officers or may designate one (1) of them to be the presiding officer.

**163. Protest.** A pleading opposing— or seeking to alter the outcome of an application ~~or appeal.~~  
( )

**174. Response.** A pleading responding to a motion or petition. ( )

**185. Rulemaking.** The process for formulation, adoption, amendment or repeal of a rule. ( )

**003. -- 049. (RESERVED)**

#### **050. PROCEEDINGS GOVERNED (RULE 50).**

These rules govern contested cases before the Department and the Board, unless otherwise provided by order of the agency. The Department and the Board through the promulgation of these rules decline to adopt in whole the contested case portions of the “Idaho Rules of Administrative Procedure of the Attorney General,” IDAPA 04.11.01.100 through 04.11.01.799. However, the majority of the rules adopted here are consistent with the provisions of the Attorney General Rules. Certain provisions of the Attorney General Rules are not adopted or are modified to reflect both the statutory authority of and administrative practice before the Department and the Board. Rulemaking before the Department and the Board shall be governed by the Attorney General Rules, at IDAPA 04.11.01.05 and 04.11.01.800 through 860. ( )

#### **051. LIBERAL CONSTRUCTION (RULE 51).**

The rules in this chapter will be liberally construed to ensure just, speedy and economical determination of all issues presented to the agency. The agency may permit deviation from these rules when it finds that compliance with them is impracticable, unnecessary or not in the public interest. Unless required by statute, or otherwise provided by these rules, the Idaho Rules of Civil Procedure and the Idaho Rules of Evidence do not apply to contested cases before the agency. ( )

#### **~~052. COMMUNICATIONS WITH AGENCY (RULE 52).~~**

~~All written communications and documents that are filed with the agency in a contested case must be filed with the presiding officer designated by the agency. Unless otherwise provided by statute, rule, order or notice, documents are considered filed when received by the presiding officer, not when mailed, or otherwise transmitted.~~ ( )

**0523. IDENTIFICATION OF CASE (RULE 53).**

Communications pertaining to a contested case before the agency should include a reference to the case number or case name. ( )

**0534. FILING AND SERVICE OF DOCUMENTS (RULE 54).**

**01. Filing of Documents with the Agency.**

a. All documents filed with the agency by means other than email shall be mailed or delivered to the Department's main office or any of the Department's regional or field offices. See <https://idwr.idaho.gov/contact-us.html> for address and contact information. Documents may be filed by email as an alternative to filing by mail or personal delivery, at the following email address: [TBD]@idwr.idaho.gov. Documents filed by email shall designate the case number or, if none, other identifying information in the email caption. ~~If authorized by the presiding officer, documents may be filed by e-mail as an alternative to filing by mail or personal filing.~~ The agency will not accept filings by facsimile. ~~Documents must be filed during regular business hours of 8:00 am to 5:00 pm Monday through Friday. Documents, including documents filed by e-mail, must be submitted by the close of business (5:00 pm) on the day the document is due.~~ ( )

b. Unless otherwise provided by statute, rule, order or notice, documents are considered filed on the day emails (based on Mountain Time) if emailed by 11:59 p.m. (Mountain Time) or, if not sent by email, when received by the agency. If an email is sent by 11:59 p.m. (Mountain Time), it will be considered filed on that day, unless that date is a Saturday, Sunday or legal holiday, in which case it is deemed filed on the next available business day.

~~b.c.~~ A document required to be accompanied by a filing fee shall not be considered filed with the agency until the fee is received. ( )

**02. Service on Parties and Other Persons.**

a. All documents filed with the agency must be sent by mail or delivered personally to the representatives of each party concurrently with filing the original with the agency. ( )

b. If authorized by the presiding officer, documents that must be sent by mail or delivered personally to the representatives of each party may be served by e-mailemail as an alternative to service by mail or personal service. It is not necessary to serve copies by mail or personal service if service is completed by e-mailemail. —( )

**03. Service of Documents by Agency.**

a. The person designated by the agency to serve notices or orders issued by the agency shall serve these documents by regular mail, or by certified mail, return receipt requested, or by personal service on the representatives of each party designated pursuant to these rules. ( )

b. If authorized by the presiding officer, the person designated to serve notices and orders in a contested case may serve those notices and orders by e-mailemail as an alternative to service by mail or personal service. It is not necessary to serve copies by mail or personal service if service is completed by e-mailemail. ( )

**04. Format for Electronic Service.** Documents served by e-mailemail must be in Portable Document Format (PDF) and be text searchable. Each e-mailemail serving a document cannot be larger than 15 megabytes in size. Documents exceeding 15 megabytes in size may be divided into multiple documents and served in multiple e-mailemails. ( )

**05. Proof of Service.** Every document filed or served must be accompanied by a proof of service similar to the following certificate: ( )

## CERTIFICATE OF SERVICE

I certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I served or caused to be served ~~sent~~ the *[insert title of document]* to the parties by the following method(s):

*[Insert name of party or attorney]*

*[Insert ~~e-mail~~ email address or mailing address]*

- ☐ ~~E-mail~~ Email
- ☐ USPS Mail (postage paid)
- ☐ Certified Mail / Return Receipt Requested
- ☐ Hand Delivery

*[Signature of Person Responsible for Service/Sending Document]*

**06. When Service Complete.** Unless otherwise provided by statute, these rules, order or notice, service is complete when a copy, properly addressed and stamped, is deposited in the United States mail or the Statehouse mail, if the party is a State employee or State agency, or when there is an electronic verification that an ~~e-mail~~ email has been sent. ( )

### **0545. COMPUTATION OF TIME (RULE 55).**

Whenever statute, these or other rules, order, or notice requires an act to be done within a certain number of days of a given day, the given day is not included in the count, but the last day of the period so computed is included in the count. If the day the act must be done is Saturday, Sunday or a legal holiday, the act may be done on the first day following that is not Saturday, Sunday or a legal holiday. ( )

### **0556. FEES (RULE 56).**

If submitted by mail or in person, fees paid to the agency may be paid by cash, money order, bank draft or check payable to the agency. Payments in cash, submitted by mail, are wholly at the risk of the remitter, and the agency assumes no responsibility for their loss. Fees may also be paid by credit card or other digital methods, if allowed by the agency. Filings required to be accompanied by a fee are not complete until the fee is paid. ( )

### **0567. -- 099. (RESERVED)**

### **100. INFORMAL AND FORMAL PROCEEDINGS (RULE 100).**

~~Contested case p~~Proceedings before the agency shall be conducted as either informal or formal proceedings. ( )

**01.** Informal proceedings are wholly administrative evaluations and processes governed by Rules 100 through 101, without a formally designated presiding officer; ~~or without a hearing~~ record to be preserved for later agency or judicial review, and with representation according to Rule 201.01. ( )

**02.** Formal proceedings are ~~quasi-judicial~~ ~~adjudicative, contested case~~ proceedings conducted by a presiding officer, with a formal hearing record, initiated upon issuance of a Notice of Initial Prehearing Conference and with representation according to Rule 202.02. ( )

**03.** Unless otherwise directed by the agency ~~head~~, informal proceedings will be used first to attempt to resolve the issues presented. The agency may also provide for the use of informal proceedings any time after commencement of a formal proceeding. ( )

### **101. INFORMAL PROCEEDINGS (RULE 101).**

**01.** An informal proceeding may be commenced by the agency by issuance of a Notice of Informal Settlement Conference. All parties to a proceeding must attend the informal settlement conference. At the conference the parties shall be prepared to discuss the disposition or delayed commencement of the formal proceeding, additional information needs, and the form of additional informal processes, including negotiation, stipulation, or alternative dispute resolution. mediation. ( )

**02.** The agency may hold additional informal proceedings which all parties must attend, to assess the continuing likelihood that the informal proceeding will settle or resolve all or a portion of the issues in a proceeding. ( )

**03.** During informal proceedings the agency may stay the proceeding at the request of the applicant or petitioner, upon ~~the~~ stipulation of the parties, when the agency determines that such delay will assist the agency in resolving the proceeding, or when a formal agency moratorium prevents consideration of the matter at issue. ( )

**04.** Settlement offers made in the course of informal proceedings are confidential and shall not be included in the hearingagency record of a subsequent formal proceeding. ( )

**102. FORMAL PROCEEDINGS (RULE 102).**

When the agency determines that informal proceedings are unlikely to resolve the matter, a presiding officer will initiate the formal proceeding under Rule 100.02, and Rule 202.02 regarding attorney representation shall apply. ( )

**103. -- 149. (RESERVED)**

**150. PARTIES TO CONTESTED CASES LISTED (RULE 150).**

Parties to contested cases before the agency are called applicants, petitioners, respondents, protestants, or intervenors. On reconsideration or exceptions within the agency parties are called by their original titles listed in the previous sentence. ( )

**151. APPLICANTS (RULE 151).**

Persons who seek any right, license, award or authority from the agency. ( )

**152. PETITIONERS (RULE 152).**

~~Persons not applicants who seek to modify, amend or stay existing orders or rules of the agency, to clarify their rights or obligations under law administered by the agency, to ask the agency to initiate a contested case (other than an application), or to otherwise take action that will result in the issuance of an order or rule. Persons not applicants who seek to modify, amend or stay existing orders of the agency, to clarify or have the agency declare or construe the law administered by the agency or a person's rights or obligations under law administered by the agency, to ask the agency to initiate or rehear a contested case (other than an application), to intervene in a contested case, or to otherwise take action that will result in the issuance of an order.~~ ( )

**153. RESPONDENTS (RULE 154).**

Persons who file responses to a petition. ( )

**154. PROTESTANTS (RULE 155).**

Persons who oppose or seek to alter an application and who have a statutory right to contest or seek to alter the right, license, or authority sought by an applicant. ( )

**155. INTERVENORS (RULE 156).**

Persons, not applicants, petitioners, respondents, or protestants to a proceeding, who are permitted to participate as parties pursuant to Rules 350 through 354. ( )

**156. RIGHTS OF PARTIES AND OF AGENCY STAFF (RULE 157).**

Subject to Rules 558, 560, and 600, all parties and agency staff may appear at hearing or argument, introduce evidence,

examine witnesses, make and argue motions, state positions, and otherwise fully participate in a contested case before the agency. ( )

**157. -- 199. (RESERVED)**

**200. IDENTIFICATION OF REPRESENTATIVES AND ADDRESS FOR SERVICE (RULE 200).**

The initial pleading of a party (be it application, petition, protest, or motion) must identify the party's representative, if any, and state the mailing address and email address, if any, to be used for service of all documents. If a representative is identified, service of documents on the named representative is considered valid service upon the party. If an initial pleading is signed by more than one (1) person without identifying a representative for service of documents, the presiding officer may select the person upon whom documents are to be served. ( )

**201. REPRESENTATION OF PARTIES (RULE 201).**

**01. Representation at Informal, ~~Administrative~~ Proceedings.** ~~To the extent authorized or required by law, a~~ Appearances and representation of parties or other persons at an informal proceeding pursuant to Rules 100 – 102 must be as follows: ( )

**a.** Natural Person. A natural person may represent himself or herself or be represented by an authorized employee, attorney, or family member, or by a next friend if the person lacks full legal capacity to act for himself or herself. ( )

**b.** A partnership may be represented by a partner, authorized employee, or attorney. ( )

**c.** A corporation may be represented by an officer, authorized employee, or attorney. ( )

**d.** A municipal corporation, local government agency, unincorporated association or nonprofit organization may be represented by an official, officer, authorized employee, or attorney. ( )

**e.** A state, federal or tribal governmental entity or agency may be represented by an officer, authorized employee, or attorney. ( )

**02. Appearances and Representation at a Formal, ~~Adjudicative~~ Proceedings.** Following the commencement of a formal proceeding pursuant to Rule 100.02, the representatives of parties shall be as follows: ( )

**a.** A party who is a natural person may represent himself or herself or be represented by an attorney. ( )

**b.** A federal or tribal governmental entity or agency may be represented as provided by law.

**c.** All other parties shall appear and be represented by an attorney admitted to practice and in good standing in the state of Idaho. ( )

**de.** Only parties or their representatives at hearing are entitled to examine witnesses and file, make or argue motions. ( )

**202. SERVICE ON PARTIES AND THEIR REPRESENTATIVES ~~SS OF PARTIES AND OTHER PERSONS~~ (RULE 202).**

From the time a party files its initial pleading in a contested case, that party must serve all documents filed with the agency upon all other parties or their designated representatives unless otherwise directed by order or notice or by the presiding officer on the record. The presiding officer may order parties to serve past documents filed in the case upon parties or their representatives. ( )

**203. WITHDRAWAL OF PARTIES (RULE 203).**

Any party may withdraw from a proceeding in writing or by confirming the withdrawal on record at a conference or hearing. ( )

**204. SUBSTITUTION OF REPRESENTATIVE -- WITHDRAWAL OF REPRESENTATIVE (RULE 204).**

A party's representative may be changed by notice to the presiding officer and all other parties. The presiding officer may reject the substitution of representative if the substitution would result in an unreasonable delay of the proceeding. Persons representing a party in a proceeding before the agency who wish to withdraw their representation must immediately file a notice of withdrawal of representation and serve that notice on the party represented, the presiding officer, and all other parties. ( )

**205. STANDARDS OF CONDUCT (RULE 205).**

All persons participating in or attending a contested case proceeding before the agency must conduct themselves in an ethical, courteous, and respectful manner during all phases of the proceeding. The presiding officer may exclude a person from a proceeding who in manner or appearance is disruptive or disrespectful. Disruptive conduct or appearance that is serious in nature may be cause for dismissal of the disrupting party from the proceeding. ( )

**206. -- 209. (RESERVED)**

**210. PLEADINGS LISTED (RULE 210).**

Pleadings allowed in contested cases are applications, petitions, protests, and responses. ( )

**211. -- 219. (RESERVED)**

**220. MOTIONS.**

**01. Motion - Defined.** A "motion" is a request to the agency to take an action in a contested case. ( )

**02. Procedure on Written Motions.**

a. A written motion, affidavit(s) supporting the motion, and briefs supporting the motion, if any, must be filed with the agency and served on the parties. ( )

b. Briefs responding to the motion or affidavits, if any, must be filed with the agency and served on the parties within 14 days of the filing of a motion. ( )

c. The moving party may file a reply brief, which must be filed with the agency and served on the parties within 7 days of the filing of the responsive affidavit(s) or briefs. ( )

d. The moving party must indicate on the face of the motion whether oral argument is desired. ( )

e. If oral argument has been requested on any motion, the presiding officer may grant or deny oral argument by written or oral notice. The presiding officer may limit oral argument at any time. ( )

f. Any exception to the time limits in this rule may be granted by the presiding officer for good cause shown. ( )

**03. Motions for Summary Judgment.** Motions for summary judgment may be filed in any contested case. Rules 56(a), (c), (d), (e), and (f) of the Idaho Rules of Procedure, shall apply to such motions before the agency. ( )

**221. -- 299. (RESERVED)**

**300. FORM AND CONTENT OF PLEADINGS AND WRITTEN MOTIONS (RULE 300).**

**01. Form.** Pleadings ~~should~~**must** be filed on standard forms created by the agency, if available. Pleadings and written motions not filed on standard forms should include a caption identifying the case at the top of the first page and shall: ( )

**a.** Be submitted on white, eight and one-half inch (8 1/2”) by eleven inch (11”) paper printed on one (1) side only; ( )

**b.** Identify the case name, case number, if applicable, and title of the document; ( )

**c.** Include the mailing address, telephone number, and email address of the person(s) filing the document; and ( )

**d.** Have at least one inch (1”) left and top margins. ( )

**02. Content of Pleadings and Written Motions.** A pleading or written motion shall fully state: ( )

**a.** The facts upon which it is based, ( )

**b.** The provision of statute, rule, order or other controlling law upon which it is based, and ( )

**c.** The relief sought, including any proposed limitation (or the denial) of any right, license, or permit sought in an application. ( )

**d.** Petitions for declaratory orders shall state the declaratory ruling that the petitioner seeks. ( )

**301. NOTICE OF PETITION FOR DECLARATORY RULING (RULE 301).**

The agency may provide notice of a petition for declaratory ruling in a manner designed to call its attention to persons likely to be interested in the subject matter of the petition. ( )

**302. DEFECTIVE, INSUFFICIENT OR LATE PLEADINGS (RULE 302).**

Defective, insufficient or late pleadings may be returned or dismissed. ( )

**303. AMENDMENTS TO PLEADINGS -- WITHDRAWAL OF PLEADINGS (RULE 303).**

~~The presiding officer may allow a~~The agency may allow amendments to pleadings during informal proceedings~~pleading to be amended or corrected or any omission to be supplied. The presiding officer may allow~~amendments to pleadings during formal proceedings. Pleadings will be liberally construed, and defects that do not affect substantial rights of the parties will be disregarded. A party desiring to withdraw a pleading must file a notice of withdrawal of the pleading and serve all parties with a copy. Unless otherwise ordered by the presiding officer, the notice is effective seven (7) days after filing. ( )

**304. -- 349. (RESERVED)**

**350. PETITIONS TO INTERVENE (RULE 350).**

A person who is not already a party to a contested case and who has a direct and substantial interest in the proceeding may petition for an order ~~from the presiding officer~~ granting intervention as a party to the contested case. ( )

**351. FORM AND CONTENTS OF PETITIONS TO INTERVENE (RULE 351).**

Petitions to intervene must comply with Rules 54, 200, and 300. The petition must set forth the name and address of the potential intervenor and must state the direct and substantial interest of the potential intervenor in the proceeding. ( )



**352. TIMELY FILING OF PETITIONS TO INTERVENE (RULE 352).**

Petitions to intervene must be filed at least fourteen (14) days before the date set for formal hearing, or by the date of the initial prehearing conference, whichever is earlier, unless a different time is provided by order or notice. Petitions filed after this deadline are considered late and must state a good cause for delay. ( )

**353. DECIDING PETITIONS TO INTERVENE (RULE 353).**

**01. Timely-Filed Petitions.** If a timely-filed petition to intervene shows direct and substantial interest in any part of the subject matter of a contested case and does not unduly broaden the issues, the presiding officer shall grant intervention, subject to reasonable conditions, unless the applicant's interest is adequately represented by existing parties. ( )

**02. Late Petitions.** The presiding officer may grant late petitions to intervene for good cause shown or may deny or conditionally grant petitions to intervene that are late for failure to state good cause for the late filing, to prevent disruption, to prevent prejudice to existing parties, to prevent undue broadening of the issues, or for other reasons. ( )

**03. Order and Notices Issued Prior to Intervention.** Intervenors are bound by orders and notices entered in the contested case prior to the approval of the petition to intervene. ( )

**354. ORDERS GRANTING INTERVENTION -- OPPOSITION (RULE 354).**

Any party opposing a petition to intervene must file an objection within (7) days of its filing. Responses to the objection must be filed within seven (7) days of its service. The objection and responses to the proposed intervention must be served on all parties of record and on the person petitioning to intervene. ( )

**355. PUBLIC WITNESSES (RULE 355).**

A person who is not a party and is not called by a party as a witness who desires to testify at hearing is a public witness. Public witnesses do not have the right to examine witnesses or otherwise participate in the proceedings as parties. Subject to Rules 556 and 558, public witnesses have a right to introduce evidence at hearing by written or oral statements and to offer exhibits at hearing. Public witnesses are bound by scheduling orders issued in a contested case regarding disclosure of expert reports and exhibits prior to the hearing. A person intending to present public witness testimony shall notify the presiding officer in writing at least five (5) days prior to the hearing. The notice shall include the name and address of the witness and the general nature or subject matter of the testimony to be given. If the notice is not given, the public witness testimony will only be allowed at the discretion of the presiding officer upon a finding of good cause. Public witnesses are subject to cross-examination and exhibits offered by public witnesses are subject to objection. Public witnesses have no right to seek reconsideration, file exceptions, or appeal. ( )

**356. -- 409. (RESERVED)**

**410. APPOINTMENT OF HEARING OFFICERS (RULE 410).**

~~A hearing officer is a person other than the agency head appointed to hear a contested case on behalf of the agency.~~ Unless otherwise provided by statute or rule, hearing officers may be employees of the agency or independent contractors. Hearing officers may be (but need not be) attorneys. Hearing officers who are not attorneys should ordinarily be persons with technical expertise or experience in issues before the agency. The appointment of a hearing officer is a public record available for inspection, examination and copying. ( )

~~**411. HEARING OFFICERS CONTRASTED WITH AGENCY HEAD (RULE 411).**~~

~~Agency heads are not hearing officers, even if they are presiding at contested cases. The term "hearing officer" as used in these rules refers only to officers subordinate to the agency head.~~ ( )

**412. DISQUALIFICATION OF OFFICERS HEARING CONTESTED CASES (RULE 412).**

Presiding officers may be disqualified as provided in Section 67-5252, Idaho Code. ( )

**413. SCOPE OF AUTHORITY OF HEARING OFFICERS (RULE 413).**

The scope of hearing officers' authority may be restricted in the appointment by the agency. ( )



**01. Scope of Authority.** Unless specified in an order from the agency, hearing officers have the authority to: ( )

- a. Decide petitions to intervene and motions; ( )
- b. Schedule cases assigned to the hearing officer, including authority to issue notices of default, of prehearing conference and of hearing; ( )
- c. Schedule and compel discovery, when discovery is authorized before the agency, and to require advance filing of expert testimony, when authorized before the agency; ( )
- d. Consider stipulations and settlements; ( )
- e. Preside at and conduct conferences and hearings, accept evidence into the record, rule upon objections to evidence, rule on dispositive motions, and otherwise oversee the orderly presentation of evidence at hearing in accordance with these Rules; and ( )
- f. Issue a written decision for a contested case, including a narrative of the proceedings, findings of fact, conclusions of law, and a recommended or preliminary order. ( )

**02. Limitation.** The hearing officer's scope of authority may be limited from the standard scope, either in general, or for a specific proceeding. Hearing officers can be given authority with regard to the agency's rules as provided in Rule 416. ( )

~~**414. PRESIDING OFFICER(S) (RULE 414).**~~

~~One (1) or more members of the agency board, the agency director, or duly appointed hearing officers may preside at hearing as authorized by statute or rule. When more than one (1) officer sits at hearing, they may all jointly be presiding officers or may designate one (1) of them to be the presiding officer. ( )~~

~~**4135. CHALLENGES TO STATUTES (RULE 415).**~~

A hearing officer in a contested case has no authority to declare a statute unconstitutional. However, when a court of competent jurisdiction whose decisions are binding precedent in the state of Idaho has declared a statute unconstitutional, or when a federal authority has preempted a state statute or rule, and the hearing officer finds that the same state statute or rule or a substantively identical state statute or rule that would otherwise apply has been challenged in the proceeding before the hearing officer, then the hearing officer shall apply the precedent of the court or the preemptive action of the federal authority to the proceeding before the hearing officer and decide the proceeding before the hearing officer in accordance with the precedent of the court or the preemptive action of the federal authority. ( )

~~**416. REVIEW OF RULES (RULE 416).**~~

~~When an order is issued by the agency head in a contested case, the order may consider and decide whether a rule of that agency is within the agency's substantive rulemaking authority or whether the rule has been promulgated according to proper procedure. ( )~~

~~**4147. EX PARTE COMMUNICATIONS (RULE 417).**~~

Unless required for the disposition of a matter specifically authorized by statute to be done ex parte, a presiding officer serving in a contested case shall not communicate, directly or indirectly, regarding any substantive issue in the contested case with any party, except upon notice and opportunity for all parties to participate in the communication. The presiding officer may communicate ex parte with a party concerning procedural matters (e.g., scheduling). ~~Ex parte~~ Communications with a presiding officer regarding non-substantive issues from members of the general public not associated with any party are not required to be reported by this rule. A party to a contested agency proceeding shall not communicate directly or indirectly with the presiding officer or the agency head regarding any substantive issue in the contested case. When a presiding officer or the agency head becomes aware of an ~~ex parte~~ communication regarding any substantive issue from a party or representative of a party or a member of the general public during a

contested case, the presiding officer or agency head shall place a copy or written summary of the communication in the file for the case and order the party providing the communication to serve a copy of the communication or written summary upon all parties of record. Repeated violations of this rule shall be cause for the presiding officer to dismiss an action or to dismiss a party from an action. Written communications from a party showing service upon all other parties are not ex parte communications. ( )

**4158. -- 509. (RESERVED)**

**510. PURPOSES OF PREHEARING CONFERENCE (RULE 510).**

The presiding officer may by Notice of Initial Prehearing Conference, signed by the officer or by an authorized employee of the agency, commence a formal proceeding pursuant to Rule 100.02. The prehearing conference shall be convened for purposes of formulating or simplifying the issues, obtaining concessions of fact or identification of documents to avoid unnecessary proof, scheduling discovery (when discovery is allowed), arranging for the exchange of proposed exhibits or prepared testimony, limiting witnesses, discussing settlement offers or making settlement offers, scheduling hearings, establishing procedure at hearings, and addressing other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. ( )

**511. ADDITIONAL CONFERENCES (RULE 511).**

The presiding officer may, following the initial prehearing conference, convene additional conferences. Additional conferences will address the topics identified in Rule 510, unless the topics are further defined in the notice of such conference. ( )

**512. NOTICE OF CONFERENCE (RULE 512).**

Notice of the place, date and hour of a conference will be served on all parties at least fourteen (14) days before the time set for the conference, unless the presiding officer finds it necessary or appropriate for the notice period to be shortened. Notices must contain the same information as notices of hearing with regard to an agency's obligations under the American with Disabilities Act. ( )

**513. RECORD OF CONFERENCE (RULE 513).**

Conferences may be held on the record or off the record before a presiding officer, according to order or notice. Agreements by the parties to the conference may be put on the record during formal conferences or may be reduced to writing and filed with the agency after formal or informal conferences. ( )

**514. ORDERS RESULTING FROM CONFERENCE (RULE 514).**

The presiding officer may issue a prehearing order or notice based upon the results of the agreements reached at or rulings made at a conference. A prehearing order will control the course of subsequent proceedings unless modified by the presiding officer for good cause. ( )

**515. FACTS DISCLOSED NOT PART OF THE RECORD (RULE 515).**

Facts disclosed, settlement offers made and all other aspects of negotiation (except agreements reached) in conferences in a contested case are not part of the record unless ordered by the presiding officer upon a stipulation by all parties to a contested case. ( )

**516. -- 519. (RESERVED)**

**520. DISCOVERY IN CONTESTED CASES (RULE 520).**

**01. Kinds of Discovery.** The following kinds of discovery may be authorized by presiding officers in contested cases before the agency: ( )

- a. Deposition through oral examination or written questions; ( )
- b. Written interrogatories;
- d. Requests for Admission. \_\_\_\_\_ ( )

~~e.d.~~ Requests for production of documents, electronically stored information or tangible things; ( )

~~ed.~~ Entry upon land or other property for inspection or other purposes; ( )

**02. Rules of Civil Procedure.** Unless otherwise provided by statute, rule, order or notice, the scope of discovery is governed by the Idaho Rules of Civil Procedure (see Idaho Rule of Civil Procedure 26**(b)**). ( )

**521. WHEN DISCOVERY AUTHORIZED (RULE 521).**

No party in a contested case before the agency is entitled to engage in discovery unless ~~the party moves for an order authorizing discovery and~~ the agency issues an order authorizing ~~the requested~~ discovery, or upon agreement of all parties that discovery may be conducted. The presiding officer may provide a schedule for discovery in an order authorizing discovery, but the order authorizing and scheduling discovery need not conform to the timetables of the Idaho Rules of Civil Procedure. The order authorizing discovery may provide that voluminous records need not be served in a discovery response so long as the records are made available for inspection and copying under reasonable terms. A party, upon reasonable notice to other parties and all persons affected thereby, may seek an order compelling discovery in a manner consistent with the provisions of Rule 37(a) of the Idaho Rules of Civil Procedure. The presiding officer may limit the type and scope of discovery. ( )

**522. RIGHTS TO DISCOVERY RECIPROCAL (RULE 522).**

All parties to a proceeding have a right of discovery of all other parties to a proceeding according to Rule 521 and to the authorizing statutes and rules. ~~The presiding officer may by order authorize or compel necessary discovery authorized by statute or rule.~~ ( )

**523. SUBPOENAS (RULE 523).**

The agency may issue subpoenas upon a party's motion or upon its own initiative. The agency upon motion to quash made promptly, and in any event, before the time to comply with the subpoena, may quash the subpoena, or condition denial of the motion to quash upon reasonable terms. ( )

**524. STATUTORY INSPECTION, EXAMINATION, INVESTIGATION, ETC. (RULE 524).**

This rule recognizes, but does not enlarge or restrict, the agency's statutory right of inspection, examination, or investigation, ~~etc.~~ This statutory right of the agency is independent of any right of discovery in formal proceedings and may be exercised by the agency whether or not a person is party to a formal proceeding before the agency. Information obtained from statutory inspection, examination, or investigation, ~~etc.~~, may be used in formal proceedings or for any other purpose, except as restricted by statute or rule. ( )

**525. FILING AND SERVICE OF DISCOVERY-RELATED DOCUMENTS (RULE 525).**

Parties shall send the presiding officer copies of any notices of deposition or certificates of service stating that discovery requests or responses have been served. Parties shall serve discovery requests and responses on all other parties. Parties shall not serve the presiding officer copies of discovery responses unless it is part of a motion to compel discovery. A motion to compel discovery must be filed within twenty-one (21) days from the day a discovery response was due or twenty-one (21) days from the day a deficient response was served on the moving party. ( )

**526. PREPARED TESTIMONY AND REPORTS (RULE 526).**

Presiding officers may require parties to exchange prepared testimony, expert witness reports or rebuttal reports, prior to the hearing. ( )

**527. SANCTIONS FOR FAILURE TO OBEY ORDER COMPELLING DISCOVERY (RULE 527).**

The agency may impose all sanctions recognized by statute or rules for failure to comply with an order compelling discovery, including but not limited to the sanctions listed in paragraphs (A), (B), and (C) of Rule 37(b)(2) of the Idaho Rules of Civil Procedure. ( )

**528. PROTECTIVE ORDERS (RULE 528).**

As authorized by statute or rule, the agency may issue protective orders limiting access to information generated during settlement negotiations, discovery, or hearing. ( )

**529. -- 549. (RESERVED)**

**550. NOTICE OF HEARING (RULE 550).**

Notice of the place, date and hour of hearing will be served on all parties at least fourteen (14) days before the time set for hearing, unless the agency finds by order that it is necessary or appropriate that the notice period to be shortened. Notices must comply with the requirements of Rule 551. Notices must list the names of the parties (or the lead parties if the parties are too numerous to name), the case number or docket number, the names of the presiding officers who will hear the case, the name, address and telephone number of the person to whom inquiries about scheduling, hearing facilities, etc., should be directed, and the names of persons with whom the documents, pleadings, etc., in the case should be filed if the presiding officer is not the person who should receive those documents. If no document previously issued by the agency has listed the legal authority of the agency to conduct the hearing, the notice of hearing must do so. The notice of hearing shall state that the hearing will be conducted under these rules of procedure and inform the parties where they may read or obtain a copy. ( )

**551. FACILITIES AT OR FOR HEARING AND A.D.A. REQUIREMENTS (RULE 551).**

All hearings must be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act, and all notices of hearing must inform the parties that the hearing will be conducted in facilities meeting the accessibility requirements of the Americans with Disabilities Act. All notices of hearing must inform the parties and other persons notified that if they require assistance of the kind that the agency is required to provide under the Americans with Disabilities Act in order to participate in or understand the hearing, the agency will supply that assistance upon request a reasonable number of days before the hearing. The notice of hearing shall explicitly state the number of days before the hearing that the assistance request must be made. ( )

**552. HOW HEARINGS HELD (RULE 552).**

Hearings may be held in person or by telephone, video or other electronic means, as long as each participant in the hearing has an opportunity to participate in the entire proceeding while it is taking place. ( )

**553. CONFERENCE AT HEARING (RULE 553).**

In any proceeding the presiding officer may hold a conference with the parties before hearing or during a recess at the hearing to discuss formulation or simplification of the issues, admissions of fact or identification of documents to avoid unnecessary proof, exchanges of documents, exhibits or prepared testimony, limitation of witnesses, establishment of order of procedure, and other matters that may expedite orderly conduct of the hearing. The presiding officer shall state the results of the conference on the record. ( )

**554. PRELIMINARY PROCEDURE AT HEARING (RULE 554).**

Before taking evidence the presiding officer will call the hearing to order, take appearances of parties, and act upon any pending motions or petitions. The presiding officer may allow opening statements as necessary or appropriate to explain a party's presentation of evidence. ( )

**555. CONSOLIDATION OF PROCEEDINGS (RULE 555).**

The agency may consolidate two (2) or more proceedings for hearing upon finding that they present issues that are related and that the rights of the parties will not be prejudiced. In consolidated hearings the presiding officer determines the order of the proceeding. ( )

**556. STIPULATIONS (RULE 556).**

Parties may stipulate among themselves to any fact at issue in a contested case by written statement filed with the ~~presiding officer~~ agency or by oral statement at hearing. A stipulation binds all parties agreeing to it only according to its terms. The presiding officer may regard a stipulation as evidence or may require additional evidence supporting the facts stipulated. The presiding officer is not required to adopt the facts set forth in a stipulation of the parties, but may do so. If the presiding officer rejects a stipulation, they will do so before issuing a final order, and will provide an additional opportunity for the parties to present evidence and arguments on the subject matter of the rejected stipulation. ( )

**557. ORDER OF PROCEDURE (RULE 557).**

The presiding officer may determine the order of presentation of witnesses and examination of witnesses.( )

**558. TESTIMONY UNDER OATH (RULE 558).**

All testimony presented in formal hearings will be given under oath. Before testifying each witness must swear or affirm that the testimony the witness will give before the agency is the truth, the whole truth, and nothing but the truth. ( )

**559. PARTIES AND PERSONS WITH SIMILAR INTERESTS (RULE 559).**

If two (2) or more parties or persons have substantially like interests or positions, to expedite the proceeding and avoid duplication, the presiding officer may limit the number of them who testify, examine witnesses, or make and argue motions and objections. ( )

**560. CONTINUANCE OF HEARING (RULE 560).**

The presiding officer may continue proceedings for further hearing. ( )

**561. ORAL ARGUMENT (RULE 561).**

The presiding officer may set and hear oral argument on any matter in the contested case on reasonable notice according to the circumstances. ( )

**562. BRIEFS -- MEMORANDA -- PROPOSED ORDERS OF THE PARTIES -- STATEMENTS OF POSITION -- PROPOSED ORDER OF THE PRESIDING OFFICER (RULE 562).**

In any contested case, any party may ask to file briefs, memoranda, proposed orders of the parties or statements of position, and the presiding officer may request briefs, proposed orders of the parties, or statements of position. The presiding officer may issue a proposed order and ask the parties for comment upon the proposed order. ( )

**563. -- 599. (RESERVED)**

**600. RULES OF EVIDENCE -- EVALUATION OF EVIDENCE (RULE 600).**

Evidence should be taken by the agency to assist the parties' development of a record, not excluded to frustrate that development. The presiding officer at hearing is not bound by the Idaho Rules of Evidence. No informality in any proceeding or in the manner of taking testimony invalidates any resulting order. The presiding officer, with or without objection, may exclude evidence that is irrelevant, unduly repetitious, inadmissible on constitutional or statutory grounds, or on the basis of any evidentiary privilege provided by statute or recognized in the courts of Idaho. All other evidence may be admitted if it is of a type commonly relied upon by prudent persons in the conduct of their affairs. The agency's experience, technical competence and specialized knowledge may be used in evaluation of evidence. ( )

**601. DOCUMENTARY EVIDENCE (RULE 601).**

Documentary evidence may be received in the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy with the original if available. ( )

**602. OFFICIAL NOTICE -- AGENCY STAFF MEMORANDA (RULE 602).**

The presiding officer may take official notice of any facts that could be judicially noticed in the courts of Idaho, of generally recognized technical or scientific data or facts within the agency's specialized knowledge and records of the agency. The presiding officer may ask agency staff to prepare reports or memoranda to be used in deciding a contested case, and all such reports and memoranda shall be officially noticed by the presiding officer. The presiding officer shall notify the parties of specific facts or material noticed and the source of the material noticed, including any agency staff memoranda and data. This notice should be provided either before or during the hearing, and must be provided before the issuance of any order that is based in whole or in part on facts or material officially noticed. Parties must be given an opportunity to contest and rebut the facts or material officially noticed. When the presiding officer proposes to notice agency staff memoranda or agency staff reports, responsible staff employees or agents shall be made available for cross-examination if any party timely requests their availability. ( )

**603. OBJECTIONS -- OFFERS OF PROOF (RULE 603).**

Grounds for objection to the admission or exclusion of evidence must be stated briefly at the time the evidence is offered. Formal exceptions to rulings admitting or excluding evidence are unnecessary and need not be taken. An offer of proof for the record consists of a statement of the substance of the excluded evidence. When a party objects to the

admission of evidence, the presiding officer will rule on the objection. ( )

**604. EXHIBITS (RULE 604).**

The agency may assign exhibit numbers to be used by the parties in preparation of proposed exhibits. Exhibits prepared for hearing should ordinarily be typed or printed on eight and one-half inch (8 1/2") by eleven inch (11") white paper, except that maps, charts, photographs and non-documentary exhibits may be introduced on the size or kind of paper customarily used for them. A copy of each documentary exhibit must be furnished to each party present and to the presiding officer, except for unusually bulky or voluminous exhibits that have previously been made available for the parties' inspection. Copies must be of good quality. Exhibits identified at hearing are subject to appropriate and timely objection before the close of proceedings. Exhibits to which no objection is made are automatically admitted into evidence without motion of the sponsoring party. ( )

**605. -- 609. (RESERVED)**

**610. CONFIDENTIALITY OF SETTLEMENT NEGOTIATIONS (RULE 610).**

Settlement negotiations in a contested case are confidential, unless all participants to the negotiation agree to the contrary in writing. Facts disclosed, offers made and all other aspects of negotiation (except agreements reached) in settlement negotiations in a contested case are not part of the record unless ordered by the presiding officer upon a stipulation by all parties to a contested case. ( )

**611. SUGGESTION FOR OR INQUIRY ABOUT SETTLEMENTS (RULE 611).**

Through notice or order or on the record at prehearing conference or hearing, the presiding officer may inquire of the parties in any proceeding whether settlement negotiations are in progress or are contemplated or may invite the parties to consider settlement of an entire proceeding or certain issues. ( )

**612. CONSIDERATION OF SETTLEMENTS (RULE 612).**

The presiding officer is not bound by settlement agreements and will independently review any proposed settlement. When a settlement is presented to the presiding officer, the presiding officer will prescribe procedures appropriate to the nature of the settlement to consider the settlement. ( )

**613. -- 649. (RESERVED)**

**650. RECORD FOR DECISION (RULE 650).**

**01. Official Record.** The agency shall maintain an official record for each contested case and (unless statute provides otherwise) base its decision in a contested case on the official record for the case. The record shall include those items described in section 67-5249, Idaho Code. ( )

**651. RECORDING OF HEARINGS (RULE 651).**

The agency shall make an audio or video recording of all hearings at the agency's expense. The agency may provide a transcript of the proceeding at its own expense. Any party may have a transcript prepared at its own expense. If the transcript prepared at the expense of a party is deemed by the presiding officer to be the official transcript of the hearing, the party shall furnish the agency a copy of the transcript without charge. ( )

**652. -- 699. (RESERVED)**

**700. NOTICE OF PROPOSED DEFAULT AFTER FAILURE TO APPEAR OR RESPOND (RULE 700).**

If a party fails to appear at the time and place set for hearing, prehearing conference, status conference, or informal settlement conference, or fails to respond to a written information inquiry, the presiding officer may serve upon all parties a notice of a proposed default against the absent or non-responsive party. The notice of a proposed default order shall include a statement that the default order is proposed to be issued because of a failure of the subject party to appear at the time and place set for hearing or prehearing conference, or informal settlement conference or to respond to an information inquiry. The notice of proposed default order shall ~~may~~ be served consistent with Rule 54. ( )

**701. SEVEN DAYS TO CHALLENGE PROPOSED DEFAULT ORDER (RULE 701).**



Within seven (7) days after the service of the notice of proposed default order, the party against whom it was filed may file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered. ( )

#### **702. ISSUANCE OF DEFAULT ORDER (RULE 702).**

The agency shall promptly issue a default order or withdraw the notice of proposed default order after expiration of the seven (7) day time period to file a petition challenging the proposed default order. If a default order is issued, all further proceedings necessary to complete the contested case shall be conducted without participation of the party in default. All issues in the contested case shall be determined, including those affecting the defaulting party. ( )

#### **703. -- 709. (RESERVED)**

#### **710. INTERLOCUTORY ORDERS (RULE 710).**

Interlocutory orders or intermediate orders are orders that do not decide all previously undecided issues presented in a proceeding, except the presiding officer may by order decide some of the issues presented in a proceeding and provide that the decision on those issues is final and subject to review by reconsideration or exceptions filed with appeal, the agency head, or judicial review in district court, but is not final on other issues. Unless an order contains or is accompanied by a document containing one (1) of the paragraphs set forth in Rules 720, 730 or 740 or a paragraph substantially similar, the order is interlocutory. The following orders are always interlocutory: orders joining, consolidating or separating issues, proceedings or parties; orders granting or denying intervention; orders scheduling prehearing conferences, discovery, hearing, oral arguments or deadlines for written submissions; and orders authorizing, compelling or refusing to compel discovery. Interlocutory orders may be reviewed by the officer issuing the order pursuant to Rules 711, 760, and 770. ( )

#### **711. REVIEW OF INTERLOCUTORY ORDERS (RULE 711).**

Any party or person affected by an interlocutory order may petition the presiding officer to review the interlocutory order. The presiding officer may rescind, alter or amend any interlocutory order on the presiding officer's own motion, but will not on the presiding officer's own motion review any interlocutory order affecting any party's substantive rights without giving all parties notice and an opportunity for written comment. ( )

#### **712. CONTENTS OF ORDERS (RULE 712).**

The contents of an order shall comply with Section 67-5248, Idaho Code. ( )

#### **713. -- 719. (RESERVED)**

#### **720. RECOMMENDED ORDERS (RULE 720).**

**01. Definition.** Recommended orders are orders issued by a person other than the agency head that will become a final order of the agency only after review of the agency head (or the agency head's designee) pursuant to Section 67-5244, Idaho Code. ( )

**02. Contents.** Every recommended order must contain or be accompanied by a document containing the following paragraphs or substantially similar paragraphs: ( )

**a.** This is a recommended order of the hearing officer. It will not become final without action of the agency head. ( )

**b.** Any party may file a petition for reconsideration of this recommended order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer issuing this recommended order will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code. ( )

**c.** Any party may in writing support or file exceptions to any part of this recommended order and file briefs in support of the party's position with the agency head or designee on any issue in the proceeding within fourteen (14) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition ( )

for reconsideration from this recommended order. ( )

**d.** If no party files exceptions to the recommended order with the agency head or designee, the agency head or designee will issue a final order within fifty-six (56) days after: ( )

- i. The last day a timely petition for reconsideration could have been filed with the hearing officer; ( )
- ii. The service date of a denial of a petition for reconsideration by the hearing officer; or ( )
- iii. The failure within twenty-one (21) days to grant or deny a petition for reconsideration by the hearing officer. ( )

**e.** Written briefs in support of or taking exceptions to the recommended order shall be filed with the agency head (or designee of the agency head). Opposing parties shall have fourteen (14) days to respond. The agency head or designee may schedule oral argument in the matter before issuing a final order. The agency head or designee will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties or for good cause shown. The agency head or designee may hold additional hearings or may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. ( )

**721. -- 729. (RESERVED)**

### **730. PRELIMINARY ORDERS (RULE 730).**

**01. Definition.** Preliminary orders are orders issued by a person other than the agency head that will become a final order of the agency unless reviewed by the agency head or designee pursuant to Section 67-5245, Idaho Code. ( )

**02. Contents.** Every preliminary order must contain or be accompanied by a document containing the following paragraphs or substantially similar paragraphs: ( )

**a.** This is a preliminary order of the agency. It can and will become final without further action of the agency unless a party petitions for reconsideration or files exceptions with the agency head or a request for a hearing with the Director pursuant to Section 42-1701A(3), Idaho Code. Filing exceptions to the agency head is not required in order to exhaust administrative remedies. ( )

**b.** Any party may file a petition for reconsideration of this preliminary order with the agency within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code. ( )

**c.** Any party may in writing file exceptions to any part of the preliminary order and file briefs in support of the party's position on any issue in the proceeding to the agency head (or designee of the agency head) within fourteen (14) days after: ( )

- i. The service date of this preliminary order; ( )
- ii. The service date of the denial of a petition for reconsideration from this preliminary order; or ( )
- iii. The failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order. ( )

**d.** If any party files exceptions to this preliminary order, opposing parties shall have fourteen (14) days



to respond to any party's exceptions. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the agency head or designee. The agency head or designee may review the preliminary order on its own motion. ( )

e. The agency head or designee may schedule oral argument in the matter before issuing a final order. The agency head or designee will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless extended for good cause. The agency head or designee may hold additional hearings or may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. ( )

f. Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Director or the Board is otherwise provided by statute, any person aggrieved by any action of the Director, including any decision, determination, order or other action, including action upon any application for a permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Director, who is aggrieved by the action of the Director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing. A preliminary order shall not become final if a request for hearing under Section 42-1701A(3), Idaho Code is filed with the Department within the time prescribed for filing a petition for reconsideration. ( )

g. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, all administrative remedies shall be deemed exhausted, and any party aggrieved by the final order or orders previously issued in this case may file a petition for judicial review of the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: ( )

- i. A hearing was held; ( )
- ii. The final agency action was taken; ( )
- iii. The party seeking review of the order resides; or ( )
- iv. The real property or personal property that was the subject of the agency action is located. ( )

h. A petition for judicial review must be filed within twenty-eight (28) days of this preliminary order becoming final. See Section 67-5273, Idaho Code. The filing of a petition for judicial review does not stay the effectiveness or enforcement of the order under review. ( )

#### 731. -- 739. (RESERVED)

#### 740. FINAL ORDERS (RULE 740).

01. **Definition.** Final orders are preliminary orders that have become final under Rule 730 pursuant to Section 67-5245, Idaho Code, or orders issued by the agency head pursuant to Section 67-5246, Idaho Code, or emergency orders, including cease and desist or show cause orders, issued by the agency head pursuant to Section 67-5247, Idaho Code. ( )

02. **Content.** Every final order issued by the agency head must contain or be accompanied by a document containing the following, or substantially similar, paragraphs: ( )

- a. This is a final order of the agency. ( )

b. Any party may file a petition for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of

its receipt, or the petition will be considered denied by operation of law. See Section 67-5246(4), Idaho Code.

( )

c. Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Director or the Board is otherwise provided by statute, any person aggrieved by any action of the Director, including any decision, determination, order or other action, including action upon any application for a permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Director, who is aggrieved by the action of the Director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing. This order shall not be subject to judicial review in district court if a request for hearing under Section 42-1701A(3), Idaho Code is filed with the Department within the time prescribed for filing a petition for reconsideration.

( )

d. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case shall be deemed to have exhausted all administrative remedies and may file a petition for judicial review of this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

( )

- i. A hearing was held; ( )
- ii. The final agency action was taken; ( )
- iii. The party seeking review of the order resides; or ( )
- iv. The real property or personal property that was the subject of the agency action is located. ( )

e. A petition for judicial review must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code, and Rule 84 of the Idaho Rules of Civil Procedure. The filing of a petition for judicial review does not stay the effectiveness or enforcement of the order under review.

( )

**741. -- 749. (RESERVED)**

**750. ORDER NOT DESIGNATED (RULE 750).**

If an order does not designate itself as recommended, preliminary or final at its release, but is designated as recommended, preliminary or final after its release, its effective date for purposes of reconsideration or appeal is the date of the order of designation. If a party believes that an order not designated as a recommended order, preliminary order or final order according to the terms of these rules should be designated as a recommended order, preliminary order or final order, the party may move to designate the order as recommended, preliminary or final, as appropriate.

( )

**751. -- 759. (RESERVED)**

**760. MODIFICATION OF ORDER ON PRESIDING OFFICER'S OWN MOTION (RULE 760).**

A hearing officer issuing a recommended or preliminary order may modify the recommended or preliminary order on the hearing officer's own motion within fourteen (14) days after issuance of the recommended or preliminary order by withdrawing the recommended or preliminary order or by issuing a substitute recommended or preliminary order. The agency head may modify or amend a final order of the agency (be it a preliminary order that became final because no party challenged it or a final order issued by the agency head itself) at any time before notice of appeal to District Court has been filed or the expiration of the time for appeal to District Court, whichever is earlier, by withdrawing the earlier final order or by substituting a new final order for it.

( )

**761. -- 769. (RESERVED)**

**770. CLARIFICATION OF ORDERS (RULE 770).**

Any party may petition to clarify any order, whether interlocutory, recommended, preliminary or final. Petitions for clarification from final orders do not suspend or toll the time to petition for reconsideration or appeal the order. A petition for clarification may be combined with a petition for reconsideration or stated in the alternative as a petition for clarification and/or reconsideration. ( )

**771. -- 779. (RESERVED)**

**780. STAY OF ORDERS (RULE 780).**

Any party may petition the agency to stay any order, whether interlocutory or final. Interlocutory or final orders may be stayed by the judiciary according to statute. The agency may stay any interlocutory or final order on its own motion. ( )

**781. -- 789. (RESERVED)**

**790. PERSONS WHO MAY FILE A PETITION FOR JUDICIAL REVIEW (RULE 790).**

Pursuant to Section 67-5270, Idaho Code, any party aggrieved by a final order of an agency in a contested case may file a petition for judicial review with the district court. Pursuant to Section 67-5271, Idaho Code, a party is not entitled to judicial review of an agency action in district court until that person has exhausted all administrative remedies available with the agency, but a preliminary, procedural, or intermediate agency action or ruling is immediately reviewable in district court if review of the final agency action would not provide an adequate remedy. ( )

**791. -- 799. (RESERVED)**

# Idaho Water Resource Board

## COMMITTEES AND MEMBERSHIP 2021

<p><b>Financial Programs</b></p> <p><u>Purpose:</u> Develops policy and direction for the IWRB's financial programs including loans, grants, revenue bonds, and project expenditures. Develops guidance for standard interest rates and terms for loans. Oversees revenue generating features of IWRB's programs. Recommends loan approvals to full Board.</p> <p><b>Jo Ann Cole-Hansen, Chair</b> <b>Dean Stevenson</b></p> <p><b>Jeff Raybould</b> <b>Dale Van Stone</b></p>	<p><b>Water Storage Projects</b></p> <p><u>Purpose:</u> Develops policy and direction for Idaho's efforts to increase water storage capacity, including surface storage and underground storage. Oversees studies of potential storage projects, and considers future steps for potential storage projects.</p> <p><b>Brian Olmstead, Chair</b> <b>Roger Chase</b> <b>Al Barker</b></p> <p><b>Jeff Raybould</b> <b>Jo Ann Cole-Hansen</b></p>
<p><b>Water Resource Planning</b></p> <p><u>Purpose:</u> Develops policy and direction for the IWRB's planning programs, including State Water Plan, Basin Plans, and CAMPs. Oversees progress and completion of State Water Plan, Basin Plans, and CAMPs. Oversees plan implementation progress. Makes recommendations about new planning efforts and approaches.</p> <p><b>Al Barker, Chair</b> <b>Brian Olmstead</b> <b>Jo Ann Cole-Hansen</b></p> <p><b>Jeff Raybould</b> <b>Dean Stevenson</b></p>	<p><b>Streamflow Enhancement &amp; Minimum Streamflow</b></p> <p><u>Purpose:</u> Develops policy and direction for the Upper Salmon Streamflow Enhancement (Water Transactions) Program together with program partners, including review of project proposals. Develops policy and direction for the IWRB's minimum streamflow program, including development of new MSF water rights and protection and administration of existing MSF water rights.</p> <p><b>Pete Van Der Meulen, Chair</b> <b>Roger Chase</b></p> <p><b>Dean Stevenson</b> <b>Dale Van Stone</b></p>
<p><b>Cloud Seeding</b></p> <p><u>Purpose:</u> Develops policy and direction to determine Board Support and participation in clouding seeding projects statewide. Reviews project proposals and monitors program effectiveness.</p> <p><b>Roger Chase, Chair</b> <b>Pete Van Der Meulen</b></p> <p><b>Jeff Raybould</b> <b>Al Barker</b></p>	<p><b>Upper Snake River Advisory</b></p> <p><u>Purpose:</u> A committee chaired by a Water Board member to discuss Upper Snake Basin reservoir, river, and recharge operations with relevant parties that make up the committee.</p> <p><b>Roger Chase, Chair</b> <b>Brian Olmstead</b></p>
<p><b>Water Supply Bank</b></p> <p><u>Purpose:</u> Develops policy and direction for the Water Bank through oversight of the Board's bank and rental pools. Coordinates with IWRB-appointed local committees. Reviews proposed changes to Water Supply Bank statutes, rules and rental pool procedures. Makes recommendations about the establishment of new rental pools.</p> <p><b>Pete Van Der Meulen, Chair</b> <b>Jo Ann Cole-Hansen</b></p> <p><b>Al Barker</b> <b>Brian Olmstead</b></p>	<p><b>Aquifer Stabilization</b></p> <p><u>Purpose:</u> Develops policy and direction to determine Board support and participation in aquifer stabilization activities in the ESPA, Big Wood, Treasure Valley and other areas. Reviews project proposals and monitors program effectiveness. Oversees IWRB's operational managed recharge program on ESPA, and investigations of managed recharge in Treasure Valley and other areas.</p> <p><b>Dean Stevenson, Chair</b> <b>Pete Van Der Meulen</b></p> <p><b>Al Barker</b> <b>Brian Olmstead</b></p>