

IDAHO WATER RESOURCE BOARD MEETING NO. 12-21

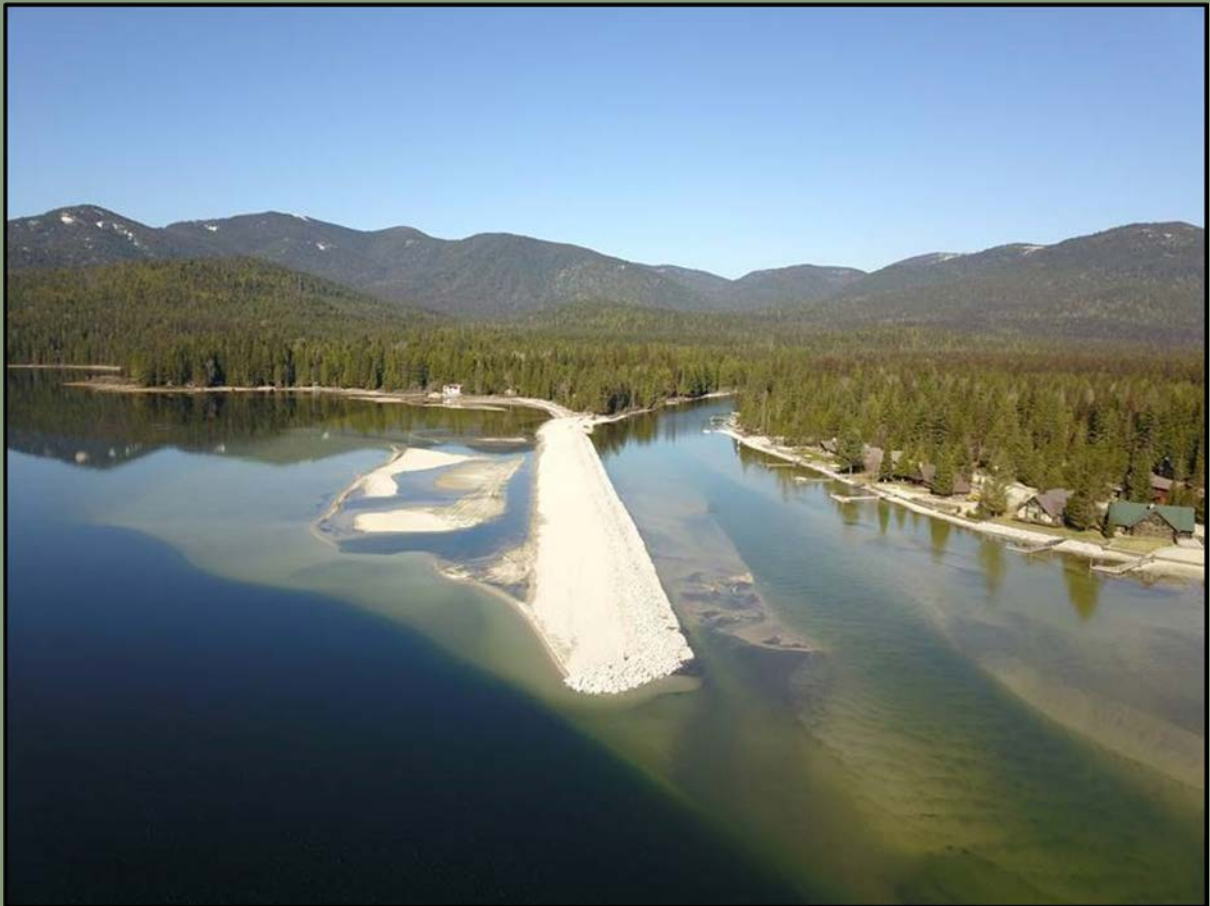
September 16-17, 2021

The Inn At Priest Lake

5310 Dickensheet Rd

Main Floor Conference/ Online

COOLIN, ID



Media



Amended AGENDA

IDAHO WATER RESOURCE BOARD

Board Meeting No. 12-21
Friday, September 17, 2021
8:00 a.m. (PST)

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

The Inn At Priest Lake
Main Floor Conference / Zoom Online
5310 Dickensheet Rd
COOLIN, ID

Board Members & the Public may participate via Zoom

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

Dial in Option: 1(253) 215-8782

Meeting ID: 969 9400 3601 Passcode: 060763

1. Roll Call
2. Agenda & Approval of Minutes 10-21 & 11-21*
3. Public Comment
4. Lemhi Basin Settlement Working Group Update
5. Boise River Feasibility Study / Anderson Ranch Dam Raise
6. Financial Report
7. Administrative Rules*
8. Cloud Seeding*
9. IDFG Priest Lake Cold Water Siphon Proposal Update
10. IDWR Adjudication Update
11. CSRBA Forest Service Settlement*
12. Director's Report
13. Non-Action Items for Discussion
14. 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 or by phone at (208) 287-4800.



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Twin Falls
At Large

MINUTES MEETING NO. 10-21

Hilton Garden Inn
Snake River Ballroom / Zoom Online
1740 Harrison St. N.
TWIN FALLS, ID

July 22, 2021
Work Session

Agenda Item No. 1: Roll Call

Chairman Raybould called the work session meeting to order at 8:00 a.m. in Twin Falls, Idaho. Board members present were Al Barker, Roger Chase, Jo Ann Cole-Hansen, Brian Olmstead (arrived at 9:00 a.m.), 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, Mathew Weaver, 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, Collin Macheel, and Emily Skoro.

Guests present were: Ann Vonde, Representative Sally Toone, Ray Barlogi, Vince Alberdi, Kresta Davis, John Simpson, Speaker Scott Bedke, Darrel Ker, Paul Arrington, Scott Pugrud, and Jason Brown.

Guests present online were: Darrell Early, Representative Linda Hartgen, Robert Turner, Bert Stevenson, Kurt Newbry, Representative Muffy Davis, David Blew, Keith Esplin, Braden Jensen, Kylie Turner, M. Fuss, and Norm Semanko.

Mr. Chase made a motion that the agenda be amended to include a public comment period following the executive session. Mr. Van Stone seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, absent; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. Motion carried.

Agenda Item No. 2: 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. Topics were: Water right applications 37-23110 and 37-23111 and Water right applications 01-10613, 21-13160, 21-7578, 21-7580, & 21-7577. Also, subsection (d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code. Topic: H.B. 266 Cloud Seeding. Ms. Ann Vonde of the Attorney General's office spoke on the topics.

Ms. Cole-Hansen moved to resolve into executive session. Mr. Barker seconded. Roll call vote: Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, absent; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 7 ayes. The motion passed.

Ms. Cole-Hansen moved to resolve out of executive session at 9:00 a.m. Mr. Barker seconded. Voice vote. All ayes. Motion carried. No actions were taken during the executive session.

Public Comment:

Darrel Ker of Enterprise Canal briefly described a project for which financial support is sought. They want to develop a 10-acre recharge pond outside of Ririe. Engineers had estimated the project at \$3.15 million, though Mr. Ker stated it will be closer to \$3.4 million. He requested \$1.5 million from the Board to assist with the project.

Agenda Item No. 3: Eastern Snake Plain Aquifer Updates

- a. **Aquifer Storage Update:** Mike McVay provided a presentation on the ESPA storage changes.
- b. **Thousand Springs and Swan Falls Flows Update:** Matt Anders presented updates on the ESPA discharge flows.
- c. **Near Blackfoot to Minidoka Reach Gains Update:** Matt Anders discussed these reach gains in the previous presentation.
- d. **Sentinel Wells Update:** Brian Ragan shared annual progress reports for IGWA and the Cities Settlement Agreement and the groundwater levels for the sentinel wells index.
- e. **IWRB Recharge Effects Analysis:** Noah Stewart-Maddox discussed the ESPA and the role of aquifer management.

Agenda Item No. 4: Bennington Irrigation Loan

A loan for the Bennington Irrigating Company in the amount of \$200,000 was presented by Kala Golden.

Agenda Item No. 5: Adjourn

The board recessed for lunch at 11:30 am. They went on a field trip of the Twin Falls Canal Company's facilities from 1:00 p.m. – 4:00 p.m.

July 23, 2021

Board Meeting No. 10-21

At 8:00 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

Meeting Minutes 10-21

July 23, 2021

Dean Stevenson
Brian Olmstead
Board Members Present Online
Pete Van Der Meulen

Staff Members Present

Gary Spackman, Director
Cynthia Bridge Clark, Water Projects Manager
Neeley Miller
Jennifer Strange

Staff Members Present Online

Emily Skoro
Kala Golden
Wesley Hipke
Amy Cassel

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

Paul Thomas
Kara Ferguson
Remington Buyer
John Loffredo

Guests Present

Travis Rothweiler
Kresta Davis
Paul Arrington

Guests Present Online

Bert Stevenson
Kurt Newbry
Rhett Phelps
Chris Bromley
John Simpson
Bryan Horsburgh
Kira Finkler
Braden Jensen
Representative Dorothy Moon
Dylan Lawrence
Hattie Zobott
Kyle Radek
Pat McMahon

Ann Vonde
James Whittaker
Hannah Ashton

Candice McHugh
Aaron Tarbett
Morton Hunter
Robert Turner
Paul Arrington
Jerry Rigby
Clive Strong
Douglas Jones
Darrell Early
Norm Semanko
Chris Keith
Alan Jackson
R. Fehring

Agenda Item No. 2: Agenda and Approval of Minutes 8-21 and 9-21

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 8-21 and 9-21. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

Agenda Item No. 3: Public Comment

Chairman Raybould asked if there were any public comments. James Whittaker, rancher in the Lemhi basin, spoke to the board on concerns for Hawley Creek management near Leadore. Travis Rothweiler, Twin Falls City Manager requested a status update for the Pristine Springs Agreement. Ms. Candace McHugh, attorney representing the City of Bellevue and the Sun Valley Company, encouraged the board to agree to mediation amongst the parties.

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

Mr. Norm Semanko stated settlement principles as: protect existing uses; resolve protests to pending applications; convert high flow practice into protected water rights; protect fish habitat; and provide for future development. Next steps included another meeting in Salmon for September 9th or 10th; an IDWR training on use of its water right application tool; a settlement proposal to be vetted through public meetings in the fall; if a settlement is reached, then water users will file high flow claims with IDWR; and any settlement will be subject to legislative review. Mr. Clive Strong provided an overview of the Lemhi Basin conservation easements.

Agenda Item No. 5: Lemhi River at L-6 Agreements

Ms. Amy Cassell presented two resolutions that the Streamflow Enhancement and Minimum Streamflow Committee reviewed on July 6th. The committee recommended the resolutions to the full board. The first is designed to help meet stream flows at the L-6 Diversion on the Lower Lemhi River and would be permanent subordination agreements. Funding would come through the Idaho (MOA) Fish Accord Water Transaction or the Columbia Basin Water Transaction Program in the amount of \$819,840.

The second resolution discussed would extend subordination agreements for 2021, with funding approved and available through Idaho MOA Fish Accord Water Transaction Program, not to exceed \$67,500.

Mr. Van Stone moved to adopt both resolutions. 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.

Agenda Item No. 6: Boise River Feasibility Study / Anderson Ranch Dam Raise

Ms. Bridge Clark introduced Mr. Bryan Horsburgh who discussed next steps in the project. He stated that a Basis of Negotiation (BON) still needed to have final approval from the Interim Commissioner.

Mr. Barker expressed concerns about the amount of time for getting a negotiation signed. There was some discussion among board members about the timeframe.

Ms. Bridge Clark stated that there would be a public comment negotiation planned for late August/September.

Agenda Item No. 7: Financial Report

Mr. Miller provided the Board's financial report. The accounts as of May 31, 2021 were: Secondary Aquifer Fund: committed/earmarked but not disbursed \$11,281,864 and 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, and anticipated loanable funds available next one year \$15,829,450; and Water Management Account: committed/earmarked but not disbursed \$71,624,781, and uncommitted balance \$219,569.

Agenda Item No. 8: Bennington Irrigation Loan

Mr. Patton stated a funding resolution for a loan was available. Chairman Raybould asked for any comments from the Bennington Irrigating Company. Aaron Tarbett expressed appreciation for consideration of the loan.

Mr. Chase 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: Flood Management Grant Program

Mr. Miller provided some background on the Flood Management Grant Program. He stated that in early July the Finance Committee had recommended the top 10 projects be funded for an amount of \$980,936.

Mr. Van Stone moved to adopt the resolution to authorize funding for the top 10 ranked flood management projects. Ms. Cole-Hansen 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: Water Projects Priority List

Mr. Patton shared a priority water projects list with the board. The list had gone through the Governor's budget staff, where it was suggested, the list be shared and made public. The Finance Committee recommended this list to the full board. Ms. Cole-Hansen said she would abstain from voting since her employer was on the list. It was stated that the list is not an approval of any particular project; but a way to monitor priorities in the state.

Mr. Van Stone moved to accept the Water Projects Priority List and review periodically. Mr. Olmstead seconded. Voice vote. All ayes. The motion passed.

Agenda Item No. 11: Ririe Reservoir

Mr. Patton discussed the background of the Ririe Reservoir issue. He stated that the 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. Mr. Rigby of Mitigation Inc. added comments and clarification. The resolution before the board would authorize funds and contract with Mitigation, Inc. to cost share the effort to modify the flood control rule curves at Ririe Reservoir.

Mr. Olmstead moved to adopt the resolution. 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.

Agenda Item No. 12: Cloud Seeding Program

Ms. Ann Vonde spoke of the House Bill 266 and introduced Ms. Kala Golden. Ms. Golden discussed a resolution to authorize funding for a statewide climatology assessment and pilot cloud seeding project in the Bear River Basin. There was some discussion about amending the resolution to allow usage in the Upper Snake Basin, if appropriate.

Mr. Van Stone moved to adopt the resolution with the suggested amendment. 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.

Following the resolution vote, there was discussion about authorization and program details. Board members requested that staff present on the topic at the next meeting.

Agenda Item No. 13: Water Rights 37-23110, et al.

Ms. Ann Vonde discussed the two water right applications that were being protested in the Wood River Basin. Mediation had been requested by the protestants. Mr. Stevenson expressed concerns about going the mediation route and was not in favor of that option. Chairman Raybould shared concerns related to the unpredictability of entering into mediation. The advice given to Ms. Vonde is to proceed without mediation. Mr. Barker stated that options could be considered, and discussion could continue.

Agenda Item No. 14: Water Rights 01-10613, et al.

Ms. Ann Vonde discussed the status of the board's water right applications in the Upper Snake. She stated that Idaho Power had asked if hydropower could be included as a topic of discussion in the already existing Environmental Working Group. Chairman Raybould said there would be a solution to this issue offered in agenda item 17, and that there would be a need to add the topic to the group.

Mr. Patton stated there is a resolution for consideration on the topic of the Upper Valley recharge protests. Ms. Vonde provided details on the resolution. It resolved that the IWRB will not use existing storage water from the Upper Snake River Reservoirs for recharge unless the storage water is donated to the IWRB by another entity or the IWRB is contracted to conduct recharge of existing storage water on behalf of another entity. It also resolved to assist with the maximum storage of water in the Upper Snake River Reservoirs, the IWRB will not conduct recharge using natural flow water upstream of American Falls Dam unless its natural flow water rights for recharge are in priority and the United States Bureau of Reclamation, in consultation with Water District 01 and the Committee of Nine declares, pursuant to Pub. L. No. 115-244, § 203, 132 Stat. 2897, 2906 (2018), there is excess water in the system above American Falls Reservoir.

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

Agenda Item No. 15: Priest Lake Water Management Project Update

Mr. Neeley Miller provided a status update on the Priest Lake Water Management Project. He stated that the next regular board meeting in September will be in the Priest Lake area and will include a field trip of the work. He stated that lake levels were unusually lower than normal.

Agenda Item No. 16: Administrative Rules

Mr. Mat Weaver provided an update on the ongoing Rulemaking process and the Zero-Based Rulemaking. Materials provided to the board members included drafts for review. Mr. Barker asked about the stream channel rules.

Agenda Item No. 17: Board Committees

Chairman Raybould suggest a new committee titled: Water Supply Management Committee; with members being Roger Chase, Brian Olmstead, Dean Stevenson, and Jeff Raybould. He asked if there was a need for other committee assignment changes. There were none. He said the new committee could cover the topics of Idaho Power hydropower issues, water allocation issues, and the like.

Mr. Stevenson moved to adopt the board committee, including the new committee and assignments. Ms. Cole-Hansen seconded. Voice vote. All ayes. Motion carried.

Agenda Item No. 18: Director's Report

Director Gary Spackman expressed appreciation for Mr. Weaver's work on the Administrative Rules. He discussed several settlement issues and water shortfall problems throughout the state. He also stated that the Department of Financial Management (DFM) administrator, Alex Adams favorably received the suggestion of additional staff to IDWR. He named some reasons for additional staff and stated that 19 additional staff including 6 for Bear River Adjudication would be requested.

Agenda Item No. 19: Non-Action Items for Discussion

There were none. Mr. Barker asked if there might be a need for a DEQ update on implications from The Maui case with the Attorney General's office.

Agenda Item No. 20: Next Meeting and Adjourn

Mr. Patton stated the next scheduled meetings were September 16-17, 2021 in Coolin and via an online platform. Mr. Barker moved to adjourn. Ms. Cole-Hansen seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 12:40 p.m.

Respectfully submitted this 17th day of September 2021.

Jo Ann Cole-Hansen, *Secretary*

Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Meeting minutes 8-21 and 9-21 were adopted.
2. Adopted two resolutions for a permanent rental and temporary extension of water transactions on the Lower Lemhi.
3. Adopted a resolution authorizing funding for a loan.
4. Adopted a resolution to award 2021 funds for the Flood Management Grants.
5. Motion was carried to accept a Water Projects Priority List.
6. Adopted a resolution in the matter of the Ririe Reservoir to approve funding.
7. Adopted a resolution on Cloud Seeding.
8. Adopted a resolution in the matter of the board's ESPA Managed Recharge Program.
9. Adopted a motion to accept the addition of a new committee.



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At Large

MINUTES MEETING NO. 11-21

Idaho Water Center
Conference Rooms 602 C & D / Zoom Online
322 E. Front St
BOISE, ID

August 27, 2021

At 12:00 p.m. Chairman Raybould called the meeting to order. All members were present.

Agenda Item No. 1: Roll Call

Board Members Online

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

Staff Members Present

Brian Patton, Executive Officer
Cynthia Bridge Clark, Water Projects Manager
Mathew Weaver, Deputy Director
Wesley Hipke

Staff Members Present Online

Jennifer Strange	Sean Costello
Kala Golden	Steve Stuebner

Guests Present Online

Michael Lovas	Ann Vonde
Justin Stevenson	Kristy Molyneux

Agenda Item No. 2: Administrative Rules

Deputy Director Mat Weaver requested that the board adopt and authorize the publication of the Board's Stream Channel Alteration Rules (IDAPA 37.03.07) as a Proposed Rule in the upcoming September Idaho Administrative Bulletin Vol. 21-9, and the Board's and Department's Rules of Procedure (IDAPA 37.01.01) as a Proposed Rule in the forthcoming October Idaho Administrative Bulletin Vol. 21-10.

Mr. Barker moved to adopt the resolution. Mr. Stevenson seconded. Voice vote. All ayes. The motion carried.

Agenda Item No. 3: South Valley Ground Water District Loan

Kala Golden presented a loan request from the South Valley Ground Water District in the amount of \$150,000 to provide for costs associated with an approved mitigation plan that resulted from recent administrative proceedings in Basin 37. Mr. Barker stated that he recused himself from any discussion on this item. There was some discussion on collateral assessments.

Mr. Olmstead moved to adopt the resolution authorizing the loan. Mr. Stevenson seconded. Roll call vote: Mr. Barker, abstain; Mr. Chase, absent; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 6 ayes. The motion passed.

Agenda Item No. 4: Non-Action Items for Discussion

There were none.

Agenda Item No. 5: Next Meeting and Adjourn

Ms. Cole-Hansen moved to adjourn. Mr. Van Der Meulen seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 12:30 p.m.

Respectfully submitted this 17th day of September, 2021.

Jo Ann Cole-Hansen, *Secretary*

Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Adopted a resolution to publish proposed rules.
2. Adopted a resolution to authorize loan funding for costs related to an approved mitigation plan.

Memorandum

To: Idaho Water Resource Board (IWRB)
From: Brian Patton, Planning & Projects Bureau
Date: September 14, 2021
Re: Lemhi Basin Settlement Working Group



ACTION: No action requested at this time

Clive Strong and Norm Semanko will discuss updates on the Lemhi Basin SWG.

Memorandum



To: Idaho Water Resource Board

From: Cynthia Bridge Clark and Emily Skoro

Date: August 30, 2021

Re: Boise River Feasibility Study & Anderson Ranch Dam Raise

REQUIRED ACTION: No action at this time.

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.

On March 19, 2021, the IWRB passed a resolution 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 December 2020, the Secretary of the Interior determined the study's recommended plan with the 6-foot dam raise to be feasible in accordance with the WIIN Act. Reclamation anticipates reinitiating the environmental compliance process in fall of 2022 and issuing a Final EIS prior to completion of project final design (December 2023).

IWRB/Reclamation Cost-Share Agreement

A cost-share agreement between Reclamation and a non-federal partner(s) is required to continue project development and must be executed timely to meet WIIN Act requirements to initiate construction by December 16, 2021. The IWRB anticipates entering into an agreement or contract with Reclamation for design and construction of the raise, use of water, and operations and maintenance for the new storage. IWRB resolution no. 14-2021, passed May 21, 2021, authorized staff to pursue contract negotiations with Reclamation.

In parallel, Reclamation's Columbia Pacific Northwest Region prepared and submitted a Basis of Negotiation (BON) to receive delegation of authority from its Commissioner to negotiate the agreement. The BON was approved by the Commissioner in early August, allowing Reclamation and the IWRB to begin formal contract negotiations. The first negotiation meeting has been scheduled for September 22, 2021 and will be open to the public in accordance with federal requirements. Reclamation will provide a draft agreement to the IWRB in advance of the meeting to allow IWRB representatives to review contract terms and conditions in preparation for formal negotiations. IWRB and Attorney General staff will coordinate directly with IWRB members to prepare.

Reclamation will maintain a project website with meeting details and other information about the negotiation procedure and will circulate e-mail notification to parties that previously expressed interest in the process. In addition, IWRB staff to notify parties who have expressed interest in the potential new storage space. Contract negotiations are expected to occur through October, with a goal to execute a final cost-share agreement by mid-November 2021. IWRB staff will provide an update on the negotiation process at the September 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 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 non-federal portion of the Anderson Ranch Dam raise project costs. These include issuance of revenue bonds or use of state funding to complete construction with the expectation of repayment through new storage spaceholder contracts. Given the aggressive timeline to initiate construction activities to meet WIIN Act deadlines, the IWRB is willing to commit funds to cover the non-federal portion of the final design project costs and will negotiate terms of payment in the cost-share agreement with Reclamation. The IWRB will continue to consider options for project financing and coordination with potential

placeholders as additional project details become available.

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 to be performed by Reclamation through final design will be used to continue discussions with the protestants.

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 September 17, 2021.

The IWRB and the Bureau of 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:

- Reclamation and IWRB staff are currently preparing for formal negotiations of the non-Federal cost-share agreement.
- Updating the public-facing project website.
- Reclamation provided a dam raise project overview for the Treasure Valley Water Users Legislative Tour on August 23, 2021.

Ongoing project activities include:

- Reclamation and IWRB staff continue coordinating post-feasibility study activities, including on the dam raise and reservoir rim projects.
- 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.
July / August 2021	Reclamation's Columbia-Pacific Northwest Region requested delegation of authority and received approval from the Commissioner to negotiate, execute, and administer a cost-share agreement pursuant to section 4007 of the WIIN Act with the IWRB.

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.

Sincerely,

Chris Keith
Project Manager

Memorandum



To: Idaho Water Resource Board
From: Neeley Miller, Planning & Projects Bureau
Date: September 7, 2021
Re: Financial Status Report

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

Secondary Aquifer Fund:

Committed/earmarked but not disbursed	\$22,210,213
Uncommitted Balance	\$4,527,917

Revolving Development Account:

Committed/earmarked but not disbursed	\$18,614,656
Loan principal outstanding	\$20,489,997
Uncommitted Balance	\$12,570,265
Anticipated loanable funds available next 1 year	\$16,070,265

Water Management Account

Committed/earmarked but not disbursed	\$72,484,362
Uncommitted Balance	\$7,588

Total committed/earmarked but not disbursed	\$113,309,233
Total loan principal outstanding	\$20,489,997
Total uncommitted balance	\$17,105,770

- 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 July 31, 2021

SECONDARY AQUIFER PLANNING, MANAGEMENT, & IMPLEMENTATION FUND

FYE 2021 Cash Balance..... 22,090,758.59

FY 2022 Revenue

Interest Earned State Treasury.....	5,213.60	
SB1190, Section 4 - Water Sustainability.....	5,000,000.00	
TOTAL FY 2022 REVENUE.....		5,005,213.60

FY 2022 Expenditures

SRAS Equipment & Supplies - FY 22.....	(2,607.17)	
SRAS Conveyance Costs - FY 22.....		
SRAS Site Monitoring - FY 22.....	(6,298.74)	
SRAS Regional Monitoring - FY 22.....	(6,811.74)	
Butte & Market Lake Canal Company (CON01462).....	(26,806.00)	
Connect Engineering (CON01458).....		
Egin Bench Canals Inc (CON01425).....	(30,472.81)	
Quadrant Consulting Inc (CON01514, Large Upper Valley Study).....	(12,687.00)	
Quadrant Consulting Inc (CON01527, MP31 Embankment Construction Oversight).....	(1,242.93)	
The Ferguson Group (FY 2022 Budget).....	(8,017.83)	
Steve Stuebner (FY 2022 Budget) - Media Services.....	(731.25)	
Clive Strong (CON01470).....	(10,065.59)	
Parsons, Behle, and Latimer (CON01479).....	(2,780.00)	
Misc Costs for IWRB and staff.....	(68.42)	
WS Hydrology Monitoring - FY 22.....	(35,592.22)	
USGS - 6605 (Treasure Valley Modeling)		
University of Idaho (CON01285, Modeling).....	(19,063.62)	
University of Idaho (CON01424 & CON01427, Raft River).....		
Boise State University (CON01503).....		
Department of Energy Grant expenditures (ESPA costs) 29871.....	(148,833.84)	
Department of Energy Grant expenditures (Big Lost costs) 29872.....	(44,654.83)	
Department of Energy Grant expenditures (Raft River costs) 29874.....		
Boise State University - Cloudseeding (29860) (CON01394).....	(1,108.34)	
TOTAL FY 2022 EXPENDITURES.....		(357,842.33)

FY 2022 Cash Balance..... 26,738,129.86

COMMITTED FUNDS THRU FY 2018

	Budget	Amended	Obligated	Expenditures	Carry forward	Committed
Mountain Home Air Force Base (PCA 29800).....	1,000,000.00	900,000.00	1,900,000.00	(1,197,691.65)		702,308.35
Remaining Initial Funds.....	1,000,000.00	900,000.00	1,900,000.00	(1,197,691.65)	0.00	702,308.35

ESPA Managed Recharge Infrastructure

Butte Market Lake Recharge Well (CON01462).....	110,000.00		110,000.00	(110,000.00)		0.00
Egin Lakes Recharge Project, Phase II (CON01225).....	500,000.00	80,000.00	580,000.00	(539,054.87)		40,945.13
Total ESPA Managed Recharge Infrastructure.....	610,000.00	80,000.00	690,000.00	(649,054.87)	0.00	40,945.13

STATEWIDE STUDIES & PROJECTS

OTHER STATEWIDE STUDIES & PROJECTS

Ground water conservation grants in priority aquifers (CON01205 & CON01223).....	200,000.00		200,000.00	(77,984.03)	(112,515.97)	9,500.00
NRCS Snow Survey contribution USDA (CON01177).....	100,000.00	100,000.00	200,000.00	(150,000.00)		50,000.00

Total Statewide Studies & Projects	300,000.00	100,000.00	400,000.00	(227,984.03)	(112,515.97)	59,500.00	
TOTAL COMMITTED FUNDS THRU FY 2018.....	1,910,000.00	1,080,000.00	2,990,000.00	(2,074,730.55)	(112,515.97)	802,753.48	Adjustments

FY 2020 BUDGET	Budget (as approved - May 2019)	Amendments	Budget (as amended)	Obligated	Expenditures	Carry forward	Committed
ESPA Managed Recharge Infrastructure							
Twin Falls Canal Company - Injection Wells.....	550,000.00		550,000.00	550,000.00		(372,000.00)	178,000.00
Total ESPA Managed Recharge Infrastructure.....	550,000.00	0.00	550,000.00	550,000.00	0.00	(372,000.00)	178,000.00
Managed Recharge Investigations							
Swan Highway Project Design (Connect Eng - CON01458)		100,000.00	100,000.00	100,000.00	(54,109.50)		45,890.50
Total Managed Recharge Investigations.....	0.00	100,000.00	100,000.00	100,000.00	(54,109.50)	0.00	45,890.50
ESPA Hydrologic Monitoring							
Hydrologic Monitoring (DOE - Year 2 of 3 = \$928K).....	310,000.00		310,000.00	310,000.00	(230,319.01)		79,680.99
ESPA Hydrologic Monitoring	310,000.00	0.00	310,000.00	310,000.00	(230,319.01)	0.00	79,680.99
TREASURE VALLEY							
Boise River Storage Studies.....		920,000.00	920,000.00	920,000.00	(795,000.00)		125,000.00
TREASURE VALLEY TOTAL.....	0.00	920,000.00	920,000.00	920,000.00	(795,000.00)	0.00	125,000.00
BIG LOST							
Hydrologic Monitoring (DOE - Year 2 of 3 = \$1.14M).....	380,000.00		380,000.00	380,000.00	(328,023.36)		51,976.64
BIG LOST TOTAL.....	380,000.00	0.00	380,000.00	380,000.00	(328,023.36)	0.00	51,976.64
RAFT RIVER BASIN							
Raft River Basin Hydrologic Project (CON01424).....		204,000.00	204,000.00	204,000.00	(203,022.58)		977.42
RAFT RIVER BASIN TOTAL.....	0.00	204,000.00	204,000.00	204,000.00	(203,022.58)	0.00	977.42
TOTAL FY 2020 BUDGETED FUNDS.....	1,240,000.00	1,020,000.00	2,260,000.00	2,260,000.00	(1,407,451.87)	(372,000.00)	480,548.13

FY 2021 BUDGET	Budget (as approved - May 2020)	Amendments	Budget (as amended)	Obligated	Expenditures	Carry forward	Committed
ESPA Managed Recharge Operations							
Conveyance Cost.....	3,500,000.00		3,500,000.00	3,500,000.00	(1,506,704.60)		1,993,295.40
Total ESPA Managed Recharge Operations.....	3,500,000.00	0.00	3,500,000.00	3,500,000.00	(1,506,704.60)	0.00	1,993,295.40
ESPA Managed Recharge Infrastructure							
Enterprise Project.....	2,000,000.00		2,000,000.00	2,000,000.00			2,000,000.00
MP 31 - BLM Road Embankment (CON01527, CON01533).....		320,000.00	320,000.00	320,000.00	(164,360.99)		155,639.01
Total ESPA Managed Recharge Infrastructure.....	2,000,000.00	320,000.00	2,320,000.00	2,320,000.00	(164,360.99)	0.00	2,155,639.01
Managed Recharge Investigations							
Large Upper Valley Project.....	300,000.00		300,000.00	300,000.00	(58,392.00)		241,608.00
Cloudseeding - BSU CON01394		20,409.00	20,409.00	20,409.00	(15,757.98)		4,651.02
Total Managed Recharge Investigations.....	300,000.00	20,409.00	320,409.00	320,409.00	(74,149.98)	0.00	246,259.02
ESPA Hydrologic Monitoring							
Hydrologic Monitoring (DOE - Year 3 of 3 = \$928K).....	308,000.00		308,000.00	308,000.00			308,000.00

Operations & Maintenance							
Boise, Wood, Upper Snake - 1/3 Cost Share.....	950,000.00		950,000.00	950,000.00			950,000.00
Boise, Wood, Upper Snake - Program Shortages.....	500,000.00		500,000.00	500,000.00			500,000.00
Bear - Pilot Program.....	300,000.00		300,000.00	300,000.00			300,000.00
Capital							
Weather Instrumentation - Year 1 of 5, Total \$200,000.....	10,000.00		10,000.00	10,000.00			10,000.00
Modeling							
SNOWIE Data Analysis - Year 1 of 3, Total \$600,000.....	200,000.00		200,000.00	200,000.00			200,000.00
HPC Administration.....	43,000.00		43,000.00	43,000.00			43,000.00
Research & Development							
Pgm Expansion - New Basin Feasibility Studies.....	500,000.00		500,000.00	500,000.00			500,000.00
Technology - SWEdar Project.....	35,000.00		35,000.00	35,000.00			35,000.00
COOPERATIVE CLOUD SEEDING PROGRAM TOTAL.....	2,538,000.00	0.00	2,538,000.00	2,538,000.00	0.00	0.00	2,538,000.00
TREASURE VALLEY							
Monitoring in Support of Treasure Valley Model.....	125,000.00		125,000.00	125,000.00			125,000.00
TREASURE VALLEY TOTAL.....	125,000.00	0.00	125,000.00	125,000.00	0.00	0.00	125,000.00
RAFT RIVER							
Raft River Hydrologic Characterization.....	225,000.00		225,000.00	225,000.00	0.00		225,000.00
Hydrologic Monitoring (DOE - Year 1 of 3 = \$832K).....	277,000.00		277,000.00	277,000.00	0.00		277,000.00
RAFT RIVER TOTAL.....	502,000.00	0.00	502,000.00	502,000.00	0.00	0.00	502,000.00
BIG LOST							
USGS/IGS Support.....	75,000.00		75,000.00	75,000.00			75,000.00
Big Lost Stream Gages (one year funding).....	100,000.00		100,000.00	100,000.00			100,000.00
BIG LOST TOTAL.....	175,000.00	0.00	175,000.00	175,000.00	0.00	0.00	175,000.00
PALOUSE BASIN							
Water Supply Alternatives Next Steps.....	250,000.00		250,000.00	250,000.00			250,000.00
PALOUSE BASIN TOTAL.....	250,000.00	0.00	250,000.00	250,000.00	0.00	0.00	250,000.00
BEAR RIVER BASIN							
Tri-State Water Sustainability Initiative.....	250,000.00		250,000.00	250,000.00			250,000.00
BEAR RIVER BASIN TOTAL.....	250,000.00	0.00	250,000.00	250,000.00	0.00	0.00	250,000.00
LEWISTON							
Future Water Sustainability Projects.....	250,000.00		250,000.00	250,000.00			250,000.00
LEWISTON TOTAL.....	250,000.00	0.00	250,000.00	250,000.00	0.00	0.00	250,000.00
MOUNTAIN HOME/ELMORE COUNTY							
Mtn Home/Elmore County Water Sustainability Projects.....	700,000.00		700,000.00	700,000.00			700,000.00
MOUNTAIN HOME/ELMORE COUNTY TOTAL.....	700,000.00	0.00	700,000.00	700,000.00	0.00	0.00	700,000.00
LEMHI BASIN							
Support of Water Sustainability Initiatives.....	500,000.00		500,000.00	500,000.00			500,000.00
LEMHI BASIN TOTAL.....	500,000.00	0.00	500,000.00	500,000.00	0.00	0.00	500,000.00
STATEWIDE							
Administrative expenses (public information, staff training, etc).....	85,000.00		85,000.00	85,000.00	(799.67)		84,200.33
Professional Assistance for securing Federal Funding.....	100,000.00		100,000.00	100,000.00	(8,017.83)		91,982.17
Statewide Surface Water & Aquifer Monitoring.....	300,000.00		300,000.00	300,000.00	(35,592.22)		264,407.78
STATEWIDE TOTAL.....	485,000.00	0.00	485,000.00	485,000.00	(44,409.72)	0.00	440,590.28

Unspecified Projects in Other Areas or Carry-over.....	1,417,000.00		1,417,000.00	1,417,000.00			1,417,000.00
TOTAL FY 2022 BUDGETED FUNDS.....	15,377,000.00	0.00	15,377,000.00	15,377,000.00	(60,127.37)	0.00	15,316,872.63

IDAHO WATER RESOURCE BOARD
Sources and Applications of Funds
as of July 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.....	\$13,096,265.10
Interest Earned State Treasury (Transferred).....	\$2,358,158.82
Water Supply Bank Receipts.....	\$8,509,481.77
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)
Mountain Home AFB Water Sustainability Project (29514)	
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)
Balance for Mountain Home AFB Water Sustainability Project.....	\$0.00
Galloway Dam & Reservoir Project (29517)	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$2,000,000.00
Galloway Dam & Reservoir Project Costs (HB 479).....	(\$124,649.52)
Balance Galloway Dam & Reservoir Project.....	\$1,875,350.48
Boise River (Arrowrock Enlargement) Feasibility Study (29518)	
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)
Balance Boise River (Arrowrock Enlargement) Feasibility Study (HB479).....	\$0.00
Island Park Enlargement (29520)	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$2,500,000.00
Island Park Enlargement Costs (HB 479).....	(\$174,170.00)
Balance Island Park Enlargement (HB 479).....	\$2,325,830.00
Water Supply Bank Computer Infrastructure (29519)	
Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$500,000.00
Water Supply Bank Computer Infrastructure Costs (HB 479).....	(\$497,350.75)
Balance Water Supply Bank Computer Infrastructure (HB 479).....	\$2,649.25
Transfer to Ririe Reservoir Flood Control (SB1190, Sec 7).....	(\$1,470,000.00)
Cash Balance of Legislative Appropriation 2014, HB 479 Sec 1 and 2.....	\$2,733,829.73
Ririe Reservoir Flood Control	
Rule Curve Modification.....	\$1,470,000.00
Cash Balance Priest Lake Water Management Project.....	\$1,470,000.00
Minidoka Dam Enlargement/Teton Dam Replacement Studies (29510)	
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)
Balance for Minidoka Dam Enlargement/Teton Dam Replacement Studies.....	\$570,539.82
Priest Lake Water Management Project (29521)	
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.....	\$170,758.32	
Total Priest Lake Water Management Project Revenue.....		\$1,401,203.32
Contract Expenditures - Mott MacDonald (CON01426).....	(\$638,162.35)	
Dam Operator Contracts.....	(\$10,106.96)	
Misc Expenditures.....	(\$8,113.44)	
Builder's Risk Insurance.....	(\$5,515.00)	
IDL Mineral Lease Bond.....	(\$2,000.00)	
Total Priest Lake Water Management Project Expenditures.....		(\$663,897.75)
Cash Balance Priest Lake Water Management Project.....		\$737,305.57
Committed Funds		
Dam Operator Contracts (CON01445, CON01453, CON01454).....	\$0.00	
Dam Operator Contracts (CON01541, CON01542).....	\$43,971.24	
Mott MacDonald Contract (CON01426).....	\$0.00	
TOTAL COMMITTED FUNDS.....	\$43,971.24	
Uncommitted Priest Lake Water Management Project Balance.....		\$693,334.33
Priest Lake Construction Project (29522)		
Transfer to Priest Lake Construction Project.....	\$4,169,135.50	
Contribution from Uncommitted Funds.....	\$830,864.50	
Local Contribution.....	\$0.00	
Total Priest Lake Construction Project Revenue.....		\$5,000,000.00
Mott MacDonald Expenditures (CON01484).....	(\$584,694.78)	
Strider Construction - Outlet Dam Expenditures (CON01480).....	(\$642,847.09)	
Strider Construction - Thorofare Expenditures (CON01481).....	(\$1,810,178.97)	
IDL Mineral Lease.....	(\$160.00)	
Total Priest Lake Construction Project Expenditures.....		(\$3,037,880.84)
Cash Balance Priest Lake Construction Project.....		\$1,962,119.16
Committed Funds		
Mott MacDonald Contract (CON01484).....	\$90,249.22	
Strider Construction - Outlet Dam (CON01480).....	\$958,261.91	
Strider Construction - Thorofare (CON01481).....	\$301,608.84	
Construction Contingency.....	\$611,999.19	
TOTAL COMMITTED FUNDS.....	\$1,962,119.16	
Uncommitted Priest Lake Construction Project Balance.....		\$0.00

Bell Rapids Water Rights Sub-Account		
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	
Total Bell Rapids Water Rights Sub-Account Revenue.....		\$51,810,288.05
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)	
Total Bell Rapids Water Rights Sub-Account Expenditures.....		(\$51,344,324.17)
Cash Balance Bell Rapids Water Rights Sub-Account.....		\$465,963.88
Committed Funds		
Ongoing Bell Rapids Finance Costs (trustee fees, WD02).....	\$442,383.88	
TOTAL COMMITTED FUNDS.....	\$442,383.88	
Uncommitted Bell Rapids Water Rights Sub-Account Balance.....		\$23,580.00
Pristine Springs Project Sub-Account		
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	
Total Pristine Springs Project Revenue to be Transferred.....		\$10,141,321.12
Total Pristine Springs Project Revenue Transferred to 0129-01.....	(\$5,129,300.00)	
Total Pristine Springs Project Revenue Transferred to 0129.....	(\$5,012,000.00)	
Total Pristine Springs Project Sub-Account Transfers.....		(\$10,141,300.00)
Cash Balance Pristine Springs Sub-Account.....		\$21.12
Pristine Springs Committed Funds		
Loan Payments to be transferred to 0129.....	\$0.00	
TOTAL COMMITTED FUNDS.....	\$0.00	
Loans Outstanding for Purchase of PS Water Rights		
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	
Uncommitted Pristine Springs Sub-Account.....		\$21.12
Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account		
Pristine Springs Hydropower and Rental Revenues.....	\$271,672.34	
Interest Earned State Treasury.....	\$573.11	
Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account Revenue.....		\$272,245.45
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)	
Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account Expenditures.....		(\$123,500.00)
Cash Balance Rathdrum Prairie CAMP & Treasure Valley CAMP Sub-Account.....		\$148,745.45
Committed Funds		
Spokane River Forum.....	\$0.00	
TOTAL COMMITTED FUNDS.....	\$0.00	
Uncommitted Rathdrum Prairie CAMP & TV CAMP Sub-Account.....		\$148,745.45
Upper Salmon/CBWTP Sub-Account		
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.....	\$366,867.00	
Upper Salmon/CBWTP Sub-Account Revenue.....		\$7,327,518.19
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)	
Upper Salmon/CBWTP Sub-Account Expenditures.....		(\$3,391,571.36)
Cash Balance CBWTP Sub-Account.....		\$3,935,946.83
Committed Funds		
Bar G Farms (Pahsimeroi- Little Mud).....	(\$5,434.59)	
Karl Tyler (Leadore Land Partners).....	\$87,770.27	
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	
Uncommitted CBWTP Sub-Account Balance.....		(\$608,767.36)
Water Supply Bank Sub-Account		
Interest Earned State Treasury.....	\$35,135.52	
Payments received from renters.....	\$5,200,167.77	
Payments made to owners.....	(\$4,619,865.40)	
Cash Balance Water Supply Bank Sub-Account.....		\$615,437.89
Committed Funds:		
Owners Share.....	\$580,302.37	
Total Committed Funds.....	\$580,302.37	
Uncommitted Water Supply Bank Sub-Account Balance.....		\$35,135.52
Eastern Snake Plain Sub-Account		
Legislative Appropriation 2005, HB392.....	\$7,200,000.00	
Legislative Appropriation 2005, HB392, CREP Program.....	\$3,000,000.00	
Interest Earned State Treasury.....	\$2,079,674.77	
Loan Interest.....	\$293,726.85	
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	
Eastern Snake Plain Sub-Account Revenue.....		\$13,834,057.24
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)	
Eastern Snake Plain Sub-Account Expenditures.....		(\$12,138,027.02)
Cash Balance Eastern Snake Plain Sub-Account.....		\$1,696,030.22
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	
Eastern Snake Plain Sub-Account Balance after Commitments.....		\$912,961.63
CREP Loans Outstanding:		
American Falls-Aberdeen GWD (CREP).....	\$24,845.18	
Bonneville Jefferson GWD (CREP).....	\$19,599.16	
Magic Valley GWD (CREP).....	\$0.00	
North Snake GWD (CREP).....	\$0.00	
TOTAL ESP CREP LOANS OUTSTANDING.....	\$44,444.34	
Uncommitted Eastern Snake Plain Sub-Account Balance.....		\$868,517.29
Dworshak Hydropower Project		
Power Sales & Other.....	\$13,123,123.73	
Interest Earned State Treasury.....	\$926,384.97	
Total Dworshak Project Revenue.....		\$14,049,508.70
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.....	\$3,248,188.20	
Powerplant Repairs.....	\$180,409.72	
Bond payoff.....	\$391,863.11	
Capital Improvements.....	\$318,366.79	
FERC Payments.....	\$127,036.68	
Total Dworshak Project Expenditures.....		(\$4,954,957.31)
Cash Balance Dworshak Hydropower Project.....		\$9,094,551.39
Dworshak Project Committed Funds		
Emergency Repair/Future Replacement Fund.....	\$5,540,392.23	
FERC Fee Payment Fund.....	\$0.00	
Total Dworshak Project Committed Funds.....	\$5,540,392.23	
Uncommitted Dworshak Hydropower Project Sub-Account Balance.....		3,554,159.16
TOTAL.....		\$29,669,682.07
Loans Outstanding:	Amount Loaned	Principal Balance
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	\$524,115.34
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	\$0.00
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	\$345,201.53
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	\$1,703,558.51	
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	\$138,055.53	
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	\$2,500,262.28	
North Side Canal Company (Phase 1 - canal rehab project).....	\$1,846,092.61	\$1,545,025.22	
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	
TOTAL LOANS OUTSTANDING.....			\$16,846,648.80
Loans and Other Funding Obligations:			
Reserved for Future Loans.....		\$0.00	
Bennington Irrigation Company.....		\$200,000.00	
North Fremont Canal Company.....		\$500,000.00	
Point Springs Grazing Association.....		\$20,000.00	
TOTAL LOANS AND OTHER FUNDING OBLIGATIONS.....			\$720,000.00
Uncommitted Funds.....			\$12,103,033.27
TOTAL.....			\$29,669,682.07

(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 July 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.....		\$123,811.33	
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)	
CASH BALANCE			\$120,580.55
Large Projects Program Sub-Account			
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.....	\$577,374.12		
Total Revenue for Large Projects Program Sub-Account.....			\$70,577,374.12
Municipal Capital Markets Group Inc (CON01518).....		(\$8,102.50)	
		\$0.00	
Total Expenditures for Flood Management Program Sub-Account.....		(\$8,102.50)	
Cash Balance for Large Projects Program Sub-Account.....			\$70,569,271.62
Water Quality Collection Program Sub-Account			
Legislative Appropriation (HB 285, Sec 3, 2019).....	\$200,000.00		
Legislative Appropriation (HB 646, Sec 5, 2020).....	\$200,000.00		
Legislative Appropriation (HB 646, Sec 5, 2021).....	\$200,000.00		
Interest Earned State Treasury.....	\$5,151.93		
Total Revenue for Water Quality Collection Program Sub-Account.....			\$605,151.93
DOI-USGS Agreement FY 2020 - Mid-Snake River.....		(\$200,000.00)	
DOI-USGS Agreement FY 2021 - Mid-Snake River.....		(\$150,000.00)	
Total Expenditures for Water Quality Collection Program Sub-Account.....		(\$350,000.00)	
Cash Balance for Water Quality Collection Program Sub-Account.....			\$255,151.93
Flood Management Program Sub-Account			
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		
Legislative Appropriation (HB 646, Sec 5, 2021, Flood Management Program).....	\$800,000.00		
Interest Earned State Treasury.....	\$30,817.38		
Total Revenue for Flood Management Program Sub-Account.....			\$3,430,817.38
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).....		(\$624,251.34)	
Grants Disbursed for Leg Approp (HB 646, Sec 5, 2020, Flood Mgmt Pg).....		(\$357,940.64)	
Total Expenditures for Flood Management Program Sub-Account.....		(\$1,883,869.54)	
Cash Balance for Flood Management Program Sub-Account.....			\$1,546,947.84
TOTAL.....			\$72,491,951.94
Grants and Other Funding Obligations			
Flood Management Program grants - Year 1 (HB712, Sec 1, 2018)	Grant Amount	Expenditures	Remaining Balance
<i>Flood Control District 9 (CON01303).....</i>	<i>90,000.00</i>	<i>(84,851.70)</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 & Mulchay Gravel Removal).....</i>	<i>38,808.00</i>	<i>(35,250.77)</i>	<i>3,557.23</i>
<i>Clearwater Soil & 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 & 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 & 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>0.00</i>	<i>(98,322.82)</i>	<i>(98,322.82)</i>
Total Committed Balance for Year 1.....	1,000,000.38	(1,000,000.38)	0.00

Flood Management Program grants - Year 2 (HB285, Sec 3, 2019)

<i>City of Boise (CON01396).....</i>	<i>6,371.00</i>	<i>(6,371.00)</i>	<i>0.00</i>
<i>Blaine County (CON01397).....</i>	<i>100,000.00</i>	<i>(96,555.00)</i>	<i>3,445.00</i>
<i>Board of Controls Irrigation (CON01398).....</i>	<i>59,050.00</i>	<i>(57,827.50)</i>	<i>1,222.50</i>
<i>Clearwater Soil & Water Conservation District (CON01399).....</i>	<i>190,492.37</i>	<i>(190,490.18)</i>	<i>2.19</i>
<i>Clearwater Soil & Water Conservation District (CON01400).....</i>	<i>72,727.39</i>	<i>(72,629.03)</i>	<i>98.36</i>
<i>City of Hailey (CON01401).....</i>	<i>50,000.00</i>	<i>(19,841.33)</i>	<i>30,158.67</i>
<i>Flood Control District No. 10 (CON01402).....</i>	<i>160,000.00</i>	<i>(160,000.00)</i>	<i>160,000.00</i>
<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>
<i>Blaine County (CON01405) - NOT EXECUTED.....</i>	<i>50,000.00</i>		<i>50,000.00</i>
<i>Uncommitted from HB285 Year 2.....</i>	<i>0.00</i>	<i>(245,444.92)</i>	<i>(245,444.92)</i>
Total Committed Balance for Year 2.....	869,696.26	(869,696.26)	160,000.00

Flood Management Program grants - Year 3 (HB646, Sec 5, 2020)

<i>Flood Control District 10 - Boise River North Channel (CON01510).....</i>	<i>47,500.00</i>	<i>(47,500.00)</i>	<i>0.00</i>
<i>Flood Control District 10 - Boise River Canyon Reach 1 (CON01509).....</i>	<i>175,000.00</i>		<i>175,000.00</i>
<i>Idaho Soil & Water Conservation District - Sill Creek (CON01488).....</i>	<i>10,960.28</i>	<i>(10,960.28)</i>	<i>0.00</i>
<i>Idaho Soil & Water Conservation District - Lower Cottonwood Creek (CON01489).....</i>	<i>27,935.20</i>		<i>27,935.20</i>
<i>Idaho Soil & Water Conservation District - Clear Creek (CON01490).....</i>	<i>18,570.60</i>	<i>(11,838.06)</i>	<i>6,732.54</i>
<i>City of Bellevue - Lower Howard Preserve (CON01491).....</i>	<i>57,880.00</i>	<i>(57,880.00)</i>	<i>0.00</i>
<i>Clearwater Soil & Water Conservation District - Louse Creek (CON01492).....</i>	<i>24,687.00</i>		<i>24,687.00</i>
<i>Pioneer Irrigation District - Mason Creek (CON01493).....</i>	<i>148,500.00</i>		<i>148,500.00</i>
<i>Raft River Flood Control District 15 - (CON01494).....</i>	<i>80,525.00</i>		<i>80,525.00</i>
<i>Lewis Soil Conservation District - Alpine Road (CON01495).....</i>	<i>18,425.30</i>	<i>(18,425.30)</i>	<i>0.00</i>
<i>City of Orofino - Orofino Creek (CON01496).....</i>	<i>200,000.00</i>	<i>(160,375.00)</i>	<i>39,625.00</i>
<i>Twin Falls Canal Company & 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>
Total Committed Balance for Year 3.....	860,945.38	(357,940.64)	503,004.74

Flood Management Program grants - Year 4 (SB1190, Sec 5, 2021)

<i>North Side Canal Company</i>	<i>200,000.00</i>		<i>200,000.00</i>
<i>Flood District 9</i>	<i>111,508.00</i>		<i>111,508.00</i>
<i>Nez Perce County & NPSWCD</i>	<i>100,000.00</i>		<i>100,000.00</i>
<i>Flood District 17</i>	<i>6,375.00</i>		<i>6,375.00</i>
<i>Adams Soil & Water Conservation District</i>	<i>17,606.00</i>		<i>17,606.00</i>
<i>Clearwater Soil & Water Conservation District</i>	<i>37,475.00</i>		<i>37,475.00</i>
<i>Clearwater Soil & Water Conservation District</i>	<i>200,000.00</i>		<i>200,000.00</i>
<i>Reid Canal Company</i>	<i>200,000.00</i>		<i>200,000.00</i>
<i>Lewis Soil & Water Conservation District</i>	<i>71,910.00</i>		<i>71,910.00</i>
<i>Lewis Soil & Water Conservation District</i>	<i>36,062.00</i>		<i>36,062.00</i>
<i>Uncommitted from SB1190 Year 4.....</i>	<i>0.00</i>		<i>0.00</i>
Total Committed Balance for Year 4.....	980,936.00	0.00	980,936.00

Committed for Flood Management Grants..... \$3,711,578.02 (\$2,227,637.28) \$1,643,940.74

Other Funding Obligations

<i>ESPA Settlement Water Rentals (HB 843, 2004).....</i>	<i>\$16,000.00</i>		
<i>Large Water Projects Program.....</i>	<i>\$70,569,271.62</i>		
<i>Water Quality Collection Program.....</i>	<i>\$255,151.93</i>		
Committed for Other Funding Obligations.....	\$70,840,423.55		

Uncommitted Funds..... **\$7,587.65**
TOTAL COMMITTED FUNDS BALANCE..... \$72,484,364.29

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

Memo

To: Idaho Water Resource Board

From: Mat Weaver & Sean Costello

Date: September 14, 2021

Re: **Administrative Rulemaking Update**

Requested Action Item

Adopt and authorize the publication of the Idaho Water Resource Board's ("IWRB") temporary non-fee rules (Docket No. 37-0000-2000) and fee rules (Docket No. 37-0000-2100) as proposed rules in the upcoming October 20, 2021, Idaho Administrative Bulletin. A resolution to this effect is attached.

Background

The IWRB is the executive branch entity with statutory oversight and authority over 11 chapters of Administrative Rules in IDAPA 37, including:

- IDAPA 37.01.01 Rules of Procedure of the IDWR (Fee Rule)
- IDAPA 37.02.01 Comprehensive State Water Plan Rules (Non-Fee Rule)
- IDAPA 27.02.03 Water Supply Bank Rules (Fee Rule)
- IDAPA 37.02.04 Shoshone Bannock Tribal Water Supply Bank Rules (Non-Fee Rule)
- IDAPA 37.03.03 Rules and Minimum Standards for the Construction and Use of Injection Wells (Fee Rule)
- IDAPA 37.03.04 Drilling for Geothermal Resources Rules (Fee Rule)
- IDAPA 37.03.05 Mines Tailing Impoundment Structures Rules (Fee Rule)
- IDAPA 37.03.06 Safety of Dams Rules (Fee Rule)
- IDAPA 37.03.07 Stream Channel Alteration Rules (Fee Rule)
- IDAPA 37.03.09 Well Construction Standards and Rules (Fee Rule)
- IDAPA 37.03.10 Well Driller Licensing Rules (Fee Rule)

Several other chapters of rules related to water right processes and administration are under the authority of the Director of IDWR.

2021 Omnibus Temporary Rulemaking Update

Recall that on May 12, 2021, the Idaho Senate adjourned *sine die* and the House recessed subject to the call of the Speaker, no later than December 31, 2021. This left the approval or reauthorization of Idaho's administrative rules with an uncertain future. As a result, and in response to the Governor's direction, the IWRB adopted its non-fee rules and fee rules as temporary rules on May 21, 2021, (Resolution No. 20-2021) and June 15, 2021, (Resolution No. 21-2021) respectively. The IWRB's omnibus temporary non-fee and fee rules were published on July 21, 2021, in [Idaho Administrative Bulletin Vol. 21-7SE](#).

On August 24, 2021, the Division of Financial Management ("DFM") directed the IWRB and IDWR to "take necessary rules (both fee and non-fee) proposed, and later pending, and submit them for 2022 legislative review as an omnibus rulemaking." DFM's email guidance had the heading "Guidance for 2021 Temporary Rules to go Proposed in an October Special Edition Bulletin." A copy of DFM's August 24 guidance is included with this briefing memo.

Therefore, the IWRB must publish its temporary non-fee and fee rules as proposed rules in a special edition of the Idaho Administrative Bulletin on October 20, 2021. On September 10, 2021, the Rules Regulation Officer ("RRO") submitted notices of publication proofs to DFM for review and approval. Copies of the publication proofs are included with this briefing memo. The RRO has also prepared a new resolution, included with this briefing memo, for the IWRB's consideration. The resolution authorizes the publication of the IWRB's temporary non-fee and fee rules as proposed rules on October 20, 2021, in the Idaho Administrative Bulletin.

Looking beyond the publication of the proposed rules, DFM will publish omnibus *pending* rules in a special edition of the administrative bulletin in the second or third week of December. DFM will issue specific guidance about the pending rule process following publication of the omnibus proposed rules.

2021 ZBR Rulemaking Update – IDAPA 37.02.01 Comprehensive State Water Plan Rules

At the beginning of the year, IDWR staff initiated negotiated rulemaking for the IWRB's *Comprehensive State Water Plan Rule* (IDAPA 37.02.01), which governs the designation of waterways as interim protected rivers ("IPR") and includes processes for adopting and amending the Comprehensive State Water Plan ("CSWP Rule") to make temporary IPR designations permanent.

The CSWP Rule meets the Board's statutory requirement under Idaho Code, § 42-1734D to promulgate procedural rules for the designation of IPRs. However, after a thorough review, staff from the IDWR and the Office of the Attorney General ("OAG") found: (1) there is no current need to substantively amend or add to the rule; and (2) large portions of the rule merely restate Idaho Code. As a result, staff have identified an opportunity to eliminate the rule entirely and replace it with policy guidance, or alternatively, significantly reduce the length of the rule.

The Governor's Zero-Base Regulation ("ZBR") requires each agency to "publish a notice of proposed rulemaking...to repeal the existing rule chapter." See [EO 2020-01](#). "An agency wishing

to renew a rule chapter beyond the agency review date must promulgate a new rule... ." *Id.* The ZBR process requires the repeal of the rule and promulgation of a new rule if the agency finds the rule necessary. However, if a new rule will be promulgated through the ZBR process, "the new rule chapter...must reduce the overall regulatory burden, or remain neutral, as compared to the previous rule chapter." *Id.*

Given that the ZBR process requires all rules to first be repealed, if the IWRB determined it could eliminate or significantly reduce the CSWP Rule and not add to the rule, DFM has advised the RRO that the IWRB can choose to terminate its ZBR rulemaking process and effectuate changes to the rule through the omnibus non-fee proposed rule publication.

With that understanding, the IWRB has at least three paths forward for the current CSWP ZBR rulemaking. It could:

- 1) Continue down the ZBR path by completing a prospective and retrospective analysis of the rule and publishing a notice of repeal and negotiated rulemaking and then carry the negotiations over into 2022;
- 2) Eliminate the rule through the omission of the rule in the IWRB's omnibus non-fee proposed rule publication and subsequently adopt policy guidance as necessary describing the IPR processes; or
- 3) Eliminate the rule in part through the omission of parts of the rule in the IWRB's omnibus non-fee proposed rule publication.

2021 ZBR Rulemaking Update – IDAPA 37.03.07 Stream Channel Alteration Rules, Rule 61 Minimum Standards for Suction Dredges and Non-Powered Sluice Equipment

At the beginning of 2021, IDWR staff initiated negotiated rulemaking for Rule 61 *Suction Dredges and Non-Powered Sluice Equipment* of the IWRB's IDAPA 37.03.07 Stream Channel Alteration Rules.

The rulemaking team carried out this negotiated rulemaking as part of the Governor's Executive Order 2020-01 zero-based regulation initiative. The negotiated rulemaking culminated with the publication of a proposed rule on September 1, 2021, in the Idaho [Administrative Bulletin Vol. 21-9](#).

The public has until September 15, 2021, to request a public meeting to submit oral comments or until September 22, 2021, to submit written comments. IDWR did not receive any requests for a public meeting and to date, no written comments have been submitted.

2021 ZBR Rulemaking Update – IDAPA 37.01.01 Rules of Procedure of the Idaho Department of Water Resources

At the beginning of 2021, IDWR staff also initiated negotiated rulemaking for IDWR's *Rules of Procedure* (IDAPA 37.01.01), which govern contested case procedures before IDWR and the IWRB.

The rulemaking team carried out this negotiated rulemaking as part of the Governor's Executive Order 2020-01 zero-based regulation initiative. This negotiated rulemaking will culminate with

the publication of a proposed rule on October 6, 2021, in the Idaho Administrative Bulletin. Following publication, the public will have until October 20 to request a public meeting and until October 27 to submit written comments.

Next Steps

Omnibus Pending Rules will be published the second or third week of December 2021. Before publishing pending rules, the IWRB will again have an opportunity to review the rules before passing a resolution to adopt and authorize the publication of the pending rules. The Idaho Legislature should consider the pending rules during its 2022 Legislative Session.

Later this fall, the RRO will assemble rulemaking teams for each of the year-two ZBR rulemaking chapters. Negotiated rulemaking will occur for the following rules in 2022:

- 1) IDAPA 37.02.01 Water Supply Bank Rules;
- 2) IDAPA 37.03.04 Drilling for Geothermal Resources Rules;
- 3) IDAPA 37.03.05 Mine Tailings Impoundment Structures Rules; and
- 4) IDAPA 37.03.10 Well Driller Licensing Rules.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF PUBLISHING IDAHO
WATER RESOURCE BOARD OMNIBUS
PROPOSED FEE AND NON-FEE RULES

RESOLUTION TO PUBLISH THE IDAHO
WATER RESOURCE BOARD'S CURRENT
TEMPORARY FEE AND NON-FEE RULES AS
PROPOSED RULES

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

WHEREAS, the IWRB initially adopted its fee rules as temporary fee rules, effective *sine die* of the 2021 legislative session in its Resolution No. 06-2021 on March 2, 2021; and

WHEREAS, the 2021 Idaho House of Representatives ("House") did not adjourn *sine die* and rather recessed on May 12, 2021, without the Idaho Legislature concurrently reauthorizing the IWRB's administrative rules, or the House establishing a date certain that it would reconvene; and

WHEREAS, as a precautionary measure to ensure the continuity of administrative rules and ensure that existing rules remain in effect in Fiscal Year 2022, the Division of Financial Management ("DFM"), acting on behalf of the Governor of Idaho, directed all agencies to adopt all pending fee rules submitted to the 2021 Legislature for review and all non-fee rules as temporary rules effective July 1, 2021; and

WHEREAS, the IWRB adopted its non-fee rules as temporary rules, effective July 1, 2021, in its Resolution No. 20-2021 on May 21, 2021; and

WHEREAS, the IWRB adopted its fee rules as temporary fee rules, effective July 1, 2021, in its Resolution No. 21-2021 on June 15, 2021; and

WHEREAS, DFM published the IWRB's temporary non-fee rules as Docket No. 37-0000-2100 and its fee rules as Docket No. 37-0000-2100F, on July 21, 2021, in the [Idaho Administrative Bulletin Vol. 21-7SE](#) (pages 4808-5039); and

WHEREAS, DFM will begin the process of re-publishing the existing fee and non-fee rules by IDAPA chapter and will publish the now temporary rules as proposed rules in a special edition of the Idaho Administrative Bulletin on October 20, 2021; and

WHEREAS, on August 24, 2021, DFM directed all state executive agencies to adopt and publish their temporary rules (both fee and non-fee) as proposed rules, and later pending rules, and submit them for 2022 legislative review as an omnibus rulemaking; and

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

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

WHEREAS, the Governor has found that the fee(s) or charge(s) imposed or increased in the fee rules are justified and necessary to avoid immediate danger to the budget of the Idaho Department of Water Resources, to the state budget, to necessary state functions, and services, and to avoid immediate danger of a potential violation of Idaho's constitutional requirement that the state annually balance its budget.

NOW, THEREFORE BE IT RESOLVED that the IWRB adopts and authorizes the notice and publication of the following fee rules as proposed rules and that they be adopted as published on July 21, 2021, in the [Idaho Administrative Bulletin Vol. 21-7SE](#):

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

66 NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB adopts and authorizes the notice
67 and publication of the following non-fee rule chapter as a proposed rule and that it be adopted
68 as published on July 21, 2021, in the [Idaho Administrative Bulletin Vol. 21-7SE](#):

- 69 • 37.02.04, *Shoshone Bannock Tribal Water Supply Bank*.

70

DATED this 17th day of September, 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST _____
JO ANN COLE-HANSEN, Secretary
Idaho Water Resource Board

Weaver, Mathew

From: Colby Cameron <Colby.Cameron@dfm.idaho.gov>
Sent: Tuesday, August 24, 2021 12:51 PM
To: Colby Cameron
Subject: FW: ZBR Review Proposed Rulemaking Guidance

Importance: High

Guidance for 2021 ZBR Review Rules to go Proposed/Pending

We appreciate the efforts of the sixteen agencies that are participating in Zero Based Regulation Review this year. The Governor challenged each of you to reduce the word count in review chapters by twenty percent. Thank you for taking that goal and running with it.

There are 2 options for publishing the ZBR chapters as proposed rules.

1. Publish in the regular September or October Bulletin

- If you have not submitted your ZBR chapter for publishing in the regular September bulletin, then you need to publish in the regular October bulletin. The ZBR Review Chapter should be submitted in the AARF system ASAP. The deadline for submitting the publication documents to the office of the rules coordinator to publish in the October Bulletin is August 30th.
- For fee rule chapters you will need to submit a cost benefit analysis with the proposed rule. The draft form can be found here: https://adminrules.idaho.gov/rulemaking_templates/CBA_Form.docx
- The proposed text of the ZBR rule will be reviewed by DFM and the Governor's Office.
- If you have negotiated substantive changes to the ZBR chapter and you plan for stakeholder participation during the proposed rule public comment period, and/or a public hearing on the proposed rule, the rule chapter will publish in the September or October regular bulletins.

2. Publish the ZBR chapters with the rest of the Omnibus Rules

- If you already met the twenty percent word reduction in the omnibus temporary rules and have received prior approval of DFM, then you can publish that chapter with the rest of the Omnibus rules.
- There is a separate memo containing guidance for publishing the Omnibus rules. The proposed Omnibus rules will publish in a special edition of the Administrative Bulletin on October 20th

Upon receiving this email please reach out to Colby Cameron to provide an update on our twenty percent word reduction goal and to express your proposed rule publishing preference. Please contact Colby Cameron (colby.cameron@dfm.idaho.gov;) for additional information prior to scheduling a requested hearing.

Thank you for your ongoing efforts to proactively ensure the Zero Based Regulation Executive Order is a success!

Please don't hesitate to reach out with any questions.

ZBR Review Chapter Pending Rules Process

- The ZBR review chapter submitted for the regular September or October administrative bulletin need to go pending in the regular November or December bulletin. The Omnibus rules will go pending in a special edition of the administrative bulletin in December. Specific guidance pertaining to the pending process for the Omnibus rules will be provided after the Omnibus proposed rule bulletin publishes.

Colby Cameron

Bureau Chief for Regulatory and Legislative Affairs | Division of Financial Management

Phone: 208-854-3052

Email: colby.cameron@dfm.idaho.gov

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES AND THE IDAHO WATER RESOURCE BOARD

DOCKET NO. 37-0000-2100

NOTICE OF OMNIBUS RULEMAKING - PROPOSED RULEMAKING

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section(s) 42-603, 42-1734D, 42-1762, and 42-1805(8), Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

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

This proposed rulemaking publishes the following rule chapter(s) previously submitted to and reviewed by the Idaho Legislature under IDAPA 37, rules of the *Idaho Water Resource Board and Idaho Department of Water Resources*:

- 37.02.01 – Comprehensive State Water Plan Rules
- 37.02.04 – Shoshone-Bannock Tribal Water Supply Bank Rules
- 37.03.11 – Rules for Conjunctive Management of Surface and Ground Water Resources
- 37.03.12 – Idaho Department of Water Resources Water Distribution Rules – Water District 34

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a), (b), and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These temporary rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

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

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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rule(s) being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rule(s) attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mathew Weaver, Deputy Director at (208) 287-4800.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

DATED this October 20, 2021.

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

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

DOCKET NO. 37-0000-2100F (FEE RULE)

NOTICE OF OMNIBUS RULEMAKING - PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 42-238(12), 42-603, 42-1414, 42-1701A(1), 42-1714, 42-1709, 42-1721, 42-1734(19), 42-1761, 42-1762, 42-1765, 42-1414, 42-1805(8), 42-3803, 42-3913, 42-3914, 42-3915, 42-4001 42-4010, 67-2356, and 67-5206(5), Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

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

This proposed rulemaking publishes the following rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 37, rules of the Idaho Water Resource Board and the Idaho Department of Water Resources:

- 37.01.01 – Rules of Procedure of the Idaho Department of Water Resources.
- 37.02.03 – Water Supply Bank Rules.
- 37.03.01 – Adjudication Rules.
- 37.03.02 – Beneficial Use Examination Rules.
- 37.03.03 – Rules and Minimum Standards for the Construction and Use of Injection Wells.
- 37.03.04 – Drilling for Geothermal Resources Rules.
- 37.03.05 – Mine Tailings Impoundment Structures Rules.
- 37.03.06 – Safety of Dams Rules.
- 37.03.07 – Stream Channel Alteration Rules.
- 37.03.08 – Water Appropriation Rules.
- 37.03.09 – Well Construction Standards and Rules.
- 37.03.10 – Well Driller Licensing Rules.

FEE SUMMARY: This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

IDAPA 37.01.01 establishes the rules of procedure governing contested case proceedings before IDWR and the IWRB. It also addresses filing fees associated with such proceedings. This chapter was adopted under the legal authority of Sections 42-1701A(1), 42-1734(19), 42-1805(8), 67-2356 and 67- 5206(5), Idaho Code.

IDAPA 37.02.03 governs IWRB's operation and management of the water supply bank authorized by statute. The purpose of the water supply bank is to encourage the highest beneficial use of water; provide a source of adequate water supplies to benefit new and supplemental water users; and provide a source of funding for improving water user facilities and efficiencies. It also establishes lease and rental fees that are used to carry out the program which are credited to IWRB's revolving development and water management accounts. This chapter was adopted under the legal authority of Section 42-1762, Idaho Code.

IDAPA 37.03.01 implements the filing of notices of claims to water rights claimed under state law and the collection of fees for filing notices of claims to water rights acquired under state law in general adjudications. Idaho is currently in the midst of the North Idaho Adjudication (NIA) and IDWR has recently commenced the Palouse

Basin Adjudication and anticipates commencing the final phase of the NIA—the Clark Fork-Pend Oreille River Basin adjudication—sometime after 2020. The Rule is integral to the processing of these general adjudications. This chapter was adopted under the legal authority of Sections 42-1414, and 42-1805(8), Idaho Code.

IDAPA 37.03.02 governs the examination requirements necessary to consider and determine the extent of application of water to beneficial use accomplished under a water right permit. The Rule also establishes that field examinations can be conducted by certified water right examiners appointed by the Director. Finally, the Rule governs licensing examination fees which are used to offset costs incurred by IDWR in reviewing and determining the extent of beneficial use. This chapter was adopted under the legal authority of Section 42-1805(8), Idaho Code.

IDAPA 37.03.03 governs injection wells in Idaho. The Rule requires all injection wells to be permitted and constructed in accordance with the Well Construction Standards Rules (IDAPA 37.03.09), which protect ground water resources from quality impairment. It is also necessary to maintain this Rule in order for the IWRB to maintain compliance with federal law, under which authority Idaho regulates the permitting, construction, and operation of certain injection wells within the state. Finally, the Rule governs inventory and permit fees which are used to partially fund the operation of the Underground Injection Control program in Idaho. This chapter was adopted under the legal authority of Sections 42-3913, 42-3914, and 42-3915, Idaho Code.

IDAPA 37.03.04 governs the regulation of geothermal resource exploration and development and ensure that such activities occur in the public interest. The Rule allows Idaho's geothermal policy, "to maximize the benefits to the entire state which may be derived from the utilization of our geothermal resources, while minimizing the detriments and costs of all kinds which could results from their utilization" is met. The Rule also requires fees for geothermal exploratory wells, production wells, injection wells, and amendments to permits, as set forth in Idaho Code Sections 42-4003 and 4011.

IDAPA 37.03.05 establishes acceptable construction standards and governs IDWR's design and technical review of mine tailing and water impoundment structures. The Rule also supports the collection of a fee to review plans, drawings, and specifications pertaining to any mine tailings impoundment structure.

IDAPA 37.03.06 establishes acceptable standards for construction of dams and establishes guidelines for safety evaluation of new or existing dams. The Rule applies to all new dams, to existing dams to be enlarged, altered or repaired, and maintenance of certain existing dams, as specifically provided in the Rule. This chapter also establishes the collection of a fee to review plans, drawings, and specifications pertaining to the construction, enlargement, alteration, or repair of small high-risk, intermediate, or large dams. This chapter was adopted pursuant to Section 42-1714, Idaho Code.

IDAPA 37.03.07 governs the permitting of stream channel alterations that are of a common type, which do not propose alterations which will be a hazard to the stream channel and its environment. This chapter also establishes the collection of stream channel alteration statutory filing fees as authorized in Idaho Code Section 42-3803.

IDAPA 37.03.08 governs appropriations from all sources of unappropriated public water in the state of Idaho under the authority of Chapter 2, Title 42, Idaho Code. Sources of public water include rivers, streams, springs, lakes and groundwater. The rules are also applicable to the reallocation of hydropower water rights (i.e. Swan Falls Trust Water) held in trust by the state of Idaho. The Rule also implements the application, re-advertisement, and mailing fees set forth in Idaho Code Sections 42-221F and 42-203(A)3.

IDAPA 37.03.09 governs IDWR's statutory responsibility for the statewide administration of the rules governing well construction. These rules establish minimum standards for the construction of all new wells and the modification and decommissioning (abandonment) of existing wells. The intent of the Rule is to protect ground water resources of the state against waste and contamination. The Rule also implements the drilling permit fees set forth in Idaho Code Section 42-235.

IDAPA 37.03.10 establishes the requirements and procedures for obtaining and renewing authorization to drill wells in the state of Idaho. The rules also establish the requirements and procedures for obtaining authorization to operate drilling equipment under the supervision of a licensed driller. The licensing rules are applicable to all

individuals and companies drilling or contracting to drill wells. The rules also implement the application licensing fees set forth in Idaho Code Section 42-238.

In summary, the fee categories described in the attached rules include: (1) administrative appeals filing fees; (2) water supply bank lease and rental fees; (3) adjudication application fees; (4) water right licensing examination fees; (5) injection well inventory and permit fees; (6) geothermal well permit fees; (7) design review fees for mine tailings impoundment structure and select regulated dams; (8) stream channel alteration statutory filing fees; (9) water right application, re-advertisement, and mailing fees; (10) well drilling permit fees; and (11) application licensing fees for well drillers.

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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rule(s) attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary and proposed rule, contact Mathew Weaver Deputy Director at (208) 287-4800.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

DATED this October 20, 2021.

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

Memorandum



To: Idaho Water Resource Board
From: Kala Golden
Date: September 8, 2021
Re: Authorization of Cloud Seeding Programs Operating in Idaho

REQUESTED ACTION: Consider a resolution to provide a one-year authorization of local or statewide cloud seeding programs operating in Idaho.

Background

Cloud seeding activities have occurred in the State of Idaho for several decades. House Bill (HB) 266, passed by the 2021 Idaho Legislature, defines cloud seeding and acknowledges the Cloud Seeding Program (Program) developed by the Idaho Water Resource Board (Board) in cooperation with interested stakeholders is an innovative method of augmenting and sustaining water resources in the state. The legislation further recognizes that expansion of cloud seeding operations may benefit basins throughout the state that experience depleted or insufficient water supplies.

HB266 requires the Board to authorize local or statewide cloud seeding programs that operate within the state. As such, existing cloud seeding programs planning to operate during the 2021-2022 cloud seeding season must obtain prior authorization from the Board. Given the need for existing programs to plan and contract operations in preparation for upcoming winter cloud seeding season, the Board decided to authorize existing programs for one year and consider a more comprehensive, and possible multi-year, authorization process for subsequent years.

Based on direction from the Board at the July regular meeting, a resolution to approve a one-year authorization of existing cloud seeding programs operating in Idaho was drafted for consideration at the September 17, 2021 Board meeting. Staff requested a brief summary of program operations from representatives of the four programs known to operate in the State of Idaho to inform the Board's consideration of authorization. The following information is a brief summary of each program that submitted information.

HCRC D Program | Eastern Idaho

Program Sponsor(s):	High Country Resource and Conservation Development (HCRC D), through Contributions from local public entities and local water users
Program Operator:	Let It Snow, Inc.
Basin(s) of Operation:	Upper Snake
Years of Operation:	WY 1997-Present
Program Type:	Ground Based
Equipment Used:	Manual ground generators (25)
Average Hours (<i>per season</i>):	Unknown
Seeding Agent(s) Used:	Silver Iodide (AgI)
Meteorological Support By:	Partnership with Idaho Power Company
Suspension Criteria (Y/N):	Yes

Idaho Collaborative Cloud Seeding Program | Eastern Idaho, West Central Mountains

Program Sponsor(s):	Idaho Water Resource Board, local water users, Idaho Power Company
Program Operator:	Idaho Power Company
Basin(s) of Operation:	Upper Snake, Boise, and Wood Rivers
Years of Operation:	Upper Snake, 2009- Present; Boise, 2015- Present; Wood, 2015- Present
Program Type:	Ground and Airborne (all basins)
Equipment Used:	Remote Ground Generators (Ground); King Air C90 w/ Burn in Place and Ejectable Flares (Aircraft) X 3
Average Hours (per season):	Ground— Upper Snake, 1662 Boise, 926 Wood, 608 Airborne—Upper Snake, 58 Boise, 61 Wood, 26
Seeding Agent(s) Used:	Silver Iodide (AgI)
Meteorological Support:	Idaho Power Company
Suspension Criteria (Y/N):	Yes, ASCE guidelines

Idaho Power Company | West Central Mountains

Program Sponsor(s):	Idaho Power Company
Program Operator:	Idaho Power Company
Basin(s) of Operation:	Payette River
Years of Operation:	2003- Present
Program Type:	Ground and Airborne
Equipment Used:	Remote Ground Generators (Ground); King Air C90 w/ Burn in Place and Ejectable Flares (Aircraft) X 1
Average Hours (per season):	Ground— 756 Airborne— 63
Seeding Agent(s) Used:	Silver Iodide (AgI)
Meteorological Support:	Idaho Power Company
Suspension Criteria (Y/N):	Yes, ASCE guidelines

State of Utah | Southern Idaho

Program Sponsor(s):	State of Utah, Cache Water District, Bear River Conservancy District
Program Operator:	North American Weather Consultants
Basin(s) of Operation:	Goose Creek/Trapper Creek, Bear River
Years of Operation:	33
Program Type:	Ground Based
Equipment Used:	Manual Ground Generators
Average Hours (per season):	23
Seeding Agent(s) Used:	Silver Iodide (AgI)
Meteorological Support:	North American Weather Consultants
Suspension Criteria (Y/N):	Yes, ASCE guidelines

Attachments

1. House Bill 266
2. Draft Resolution to authorize operation of existing cloud seeding programs

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF CLOUD SEEDING IN THE
STATE OF IDAHO

RESOLUTION TO DEVELOP TEMPORARY
AUTHORIZATION OF EXISTING CLOUD
SEEDING PROGRAMS

1 WHEREAS, House Bill 266 (HB 266), passed and approved by the 2021 legislature, recognized
2 that cloud seeding has provided a unique and innovative opportunity to support sustainable water
3 supplies for the State of Idaho, and designated the Idaho Water Resource Board (IWRB) as the agency
4 responsible for authorization of cloud seeding programs within the State; and
5

6 WHEREAS, cloud seeding activities have occurred in the State of Idaho for several decades; and
7

8 WHEREAS, HB266 requires the IWRB to authorize local or statewide cloud seeding programs that
9 operate within the State of Idaho; and
10

11 WHEREAS, existing cloud seeding programs planning to operate during the 2021-2022 cloud
12 seeding season must obtain prior authorization from the IWRB; and
13

14 WHEREAS, to allow for the continued operation of existing cloud seeding programs for the
15 upcoming season 2021-2022, the IWRB determined at its regular July meeting that it would provide a one-
16 year authorization of existing cloud seeding programs while it considers a more comprehensive, and
17 possible multi-year, authorization for subsequent years; and
18

19 WHEREAS, to provide information for the IWRB's consideration of a one-year authorization of
20 cloud seeding programs, IWRB staff requested a brief summary of program operations from
21 representatives of the programs known to operate within the State of Idaho; and
22

23 WHEREAS, cloud seeding program information was received for the High Country Resource
24 Conservation and Development (HCRCD) Program, the Idaho Collaborative Cloud Seeding (Collaborative)
25 Program, and the Idaho Power Company (IPC) Program; and
26

27 WHEREAS, the HCRCD Program currently operates a manual ground generator program in the
28 Upper Snake River Basin and has been in operation for over two decades. This program is operated by Let
29 it Snow, Inc., and works in partnership with IPC to provide meteorological support; and
30

31 WHEREAS, the Collaborative Program currently operates a comprehensive cloud program
32 including remote ground generators and aircraft. This program operates in the Upper Snake River Basin,
33 the Wood River Basin, and the Boise River basin, and has been in operation since 2009. Operations and
34 meteorological support are provided by IPC; and
35

36 WHEREAS, the IPC Program currently operates a comprehensive cloud seeding program including
37 remote ground generators and aircraft. This program operates in the Payette River Basin and has been in
38 operation since 2003. Operations and meteorological support are provided by IPC; and

39
40 WHEREAS, the State of Utah currently operates a manual ground generator program in Northern
41 Utah, with generators located in the Goose Creek and Bear River Basin's of Idaho. Operations and
42 meteorological support are provided by North American Weather Consultants.
43

44 NOW, THEREFORE BE IT RESOLVED that, the IWRB hereby approves a one-year authorization to
45 operate cloud seeding activities for the HCRCDC Program.
46

47 BE IT FURTHER RESOLVED that, the IWRB hereby approves a one-year authorization to operate
48 cloud seeding activities for the Collaborative Program.
49

50 BE IT FURTHER RESOLVED that, the IWRB hereby approves a one-year authorization to operate
51 cloud seeding activities for the IPC Program.
52

53 BE IT FURTHER RESOLVED that, the IWRB hereby approves a one-year authorization to operate
54 cloud seeding activities for the State of Utah Program.

DATED this 17th day of September, 2021.

Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST _____

Jo Ann Cole-Hansen, Secretary

Memorandum



To: Idaho Water Resource Board

From: Kala Golden

Date: September 14, 2021

Re: Contract for the operation of a cloud seeding aircraft in the Bear River Basin

Background

In response to legislative direction and stakeholder interest in the Bear River Basin (Bear), the Idaho Water Resource Board (Board) directed staff to initiate the development of a pilot cloud seeding program in the Bear beginning winter 2021. A presentation was given to the Board's Cloud Seeding Committee (Committee) on June 28th regarding proposed build-out of a program in the Bear, at which time the Committee made a recommendation for the full Board to approve funding for costs associated with the operations and maintenance of a pilot aircraft program in the Bear. At its regular July meeting the Board passed a resolution authorizing the expenditure of up to \$775,000 for costs related to the operations and maintenance of a pilot aircraft program in the Bear River Basin for the 2021-2022 season.

Given the limited period of time to secure an operator for the 2021-2022 cloud seeding season, the Idaho Division of Purchasing directed staff to perform an abbreviated procurement process by issuing a Request for Quotes (RFQ) for one year of airborne cloud seeding operations in the Bear River basin. The RFQ was issued in August and two quotes were received. Costs associated with each quote are provided below. If the IWRB chooses to proceed, state purchasing rules require the contract be awarded to the lowest responsive responsible bidder. Staff will discuss the proposals at the Board's regular meeting on September 17th.

Quotes for Service

Idaho Power Company | \$715,803

North American Weather Consultants | \$389,000

Memorandum



To: Idaho Water Resource Board (IWRB)
From: Neeley Miller, Planning & Projects Bureau
Date: September 8, 2021
Re: IDFG Priest Lake Cold Water Siphon Proposal Update

ACTION: No action is requested at this time

Staff from Idaho Department of Fish and Game will provide the IWRB with an update on the Priest Lake Cold Water Siphon Proposal.

Priest River Cold Water Augmentation Concept



Idaho Department of Fish & Game
Chip Corsi – Panhandle Region



Why consider cold water improvements in the first place?

IDFG mission (Idaho Code Title 36): All wildlife, including all wild animals, wild birds, and fish, within the state of Idaho, is hereby declared to be the property of the state of Idaho. It shall be preserved, protected, perpetuated, and managed...and provide for the citizens of this state and, as by law permitted to others, continued supplies of such wildlife for hunting, fishing and trapping.

Priest River is water quality impaired due to high summer water temperatures

The “4 C’s” required
for bull trout,
westslope cutthroat
trout and other cold
water fishes:

*Priest River consistently
provides 3 of 4*

- ✓ Connected
- ✓ Clean
- ✓ Complex
- Cold



Consistent with missions of IDFG, DEQ, and Lakes Commission

Cold water improvements will:



➤ Protect native fish



➤ Improve water quality



➤ Make fishing better

Process

Feasibility

- Engineering Alt. Analysis - Completed 12/2019
 - Economic feasibility/Constructability
 - Public input
- Limnology/Biology – 2021

We are here

Design and
review

If studies demonstrate a project is feasible, will result in desired objectives for the River, & will not negatively affect the Lake:

Go to final design
Information sharing
Public comment solicitation

Funding &
permitting

- **Only if all of the above are acceptable**
- Regulatory agency formal review

Alternatives Assessment

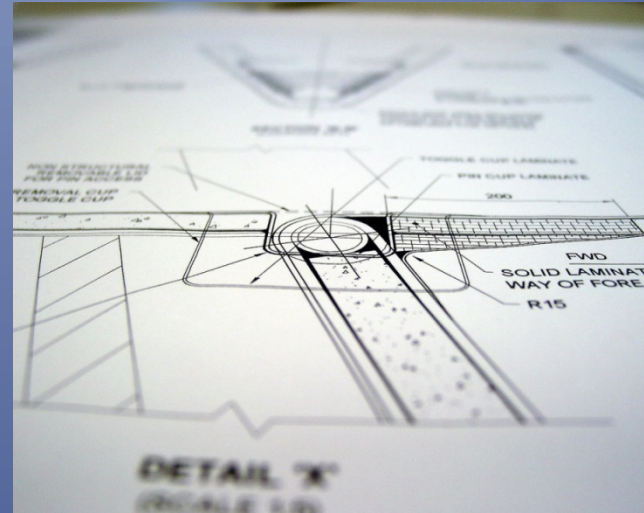
McMillen Jacobs Associates

Any alternatives must maintain:

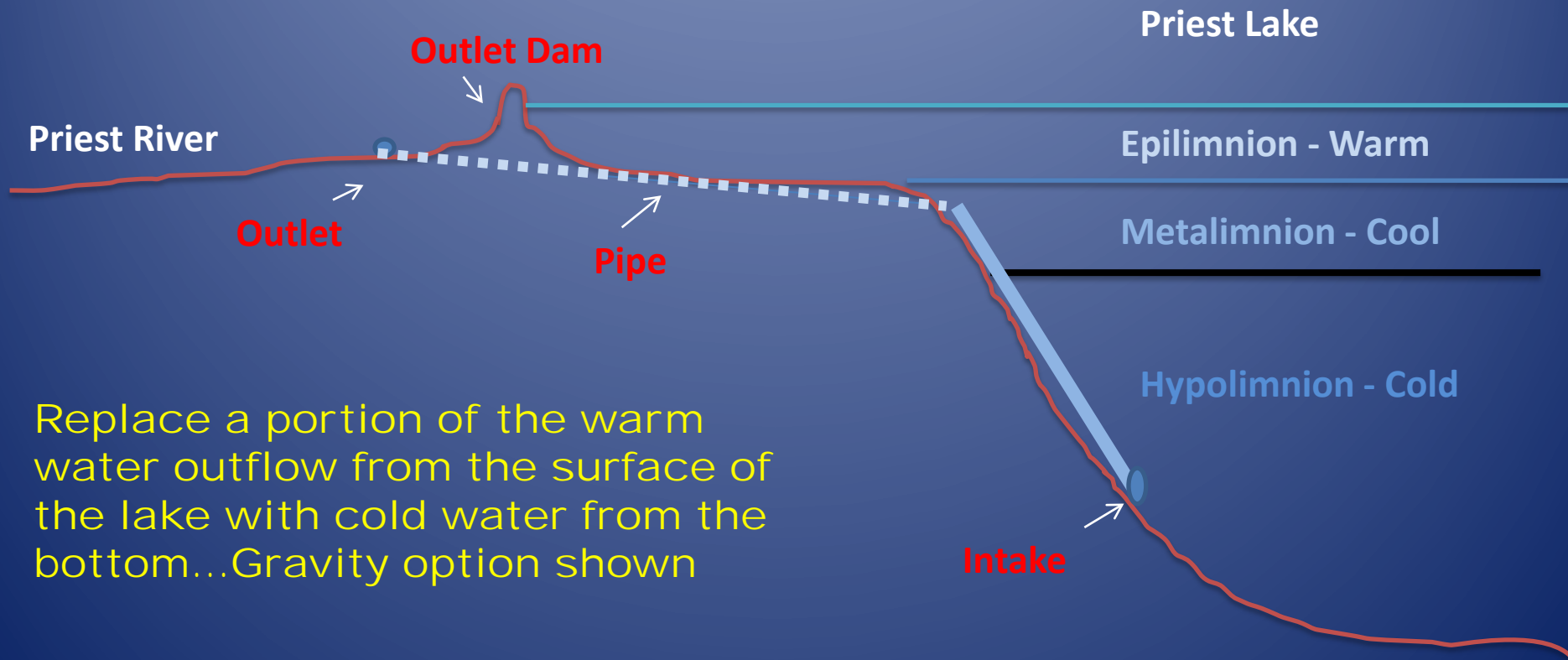
- Statutory lake level
- Existing public uses
- Aquatic species protection
- Water Quality

Initial Evaluation Criteria

- | | |
|-------------------------------|--------------|
| ✓ Cost | ✓ Screening |
| ✓ Installation & Construction | ✓ Aesthetics |
| ✓ Operations & maintenance | ✓ Navigation |
| ✓ Sizing | ✓ Safety |



Hypolimnetic Withdrawal - Schematic



Concerns

Navigation and Aesthetics



Photo courtesy of Fred Enlow

“Our most substantial comment relates to alternatives 1 and 2, the gravity and siphon options with a pipe laid down the upper channel. Given the impacts to navigation and aesthetics under these alternatives, we believe an above-ground pipe would be unfeasible. “

3/15/19 e-mail from IDFG to McMillen Jacobs re: DRAFT Alternatives Analysis report

Would this Affect lake level?

NO



Outflow volume would be unchanged, and Priest Lake would remain at the same level it is currently maintained, **as per Idaho water right in State Code**

Conclusions from alternatives Assessment

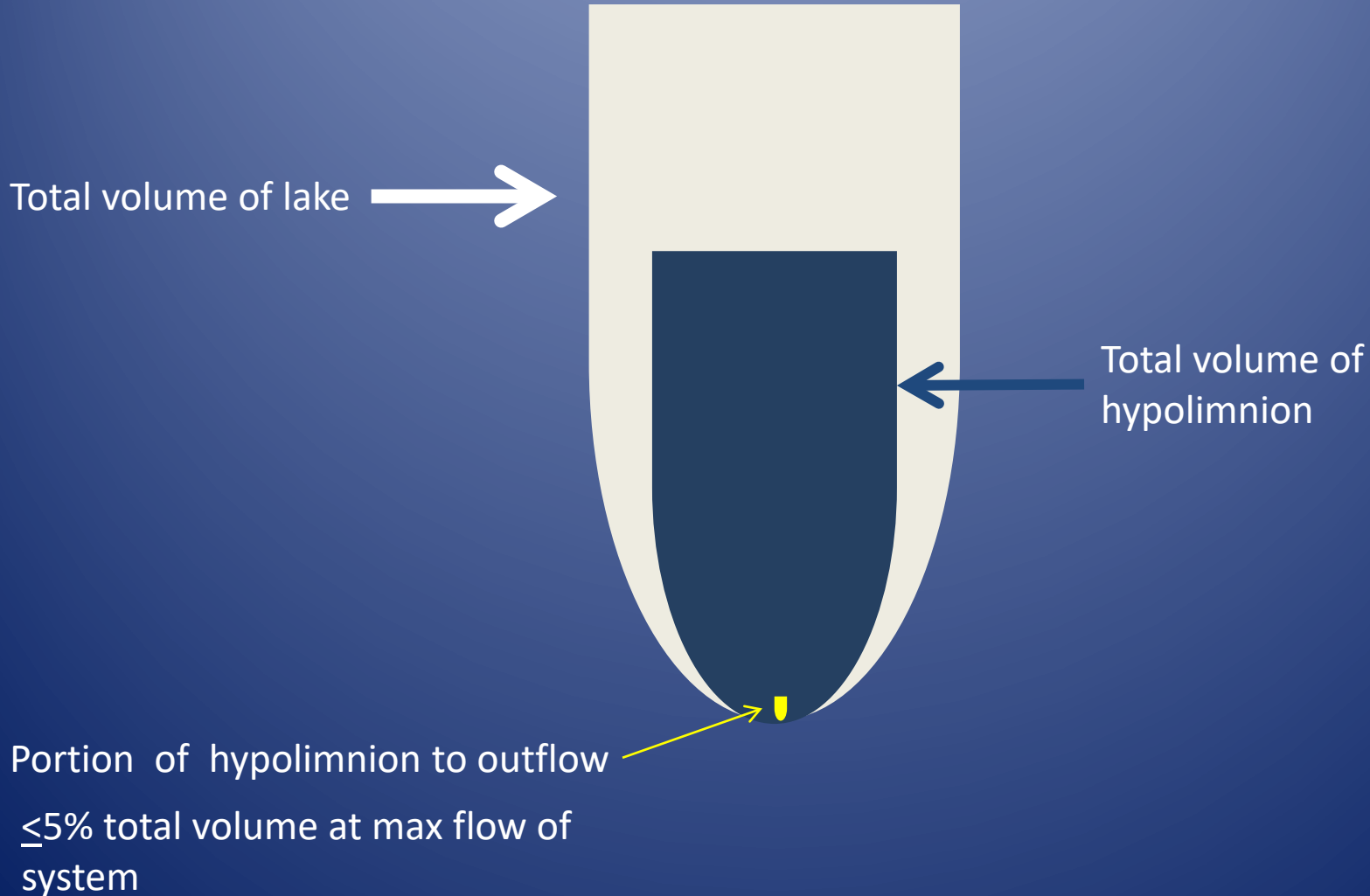
- A 105 cfs gravity feed system (Alternative 1B) was identified as the best design fit based on constructability, installation cost, O&M costs, feasibility, simplicity, and the ability to accomplish goal of cooling the River.
- Provides the most cold water for the amount of installation and maintenance cost
- Addresses concerns about aesthetics and navigability; will not affect lake level.

Concerns and Questions

- A number of Priest Lake property owners have expressed opposition to hypolimnetic withdrawal, citing concerns about the following:
 - Fears that lake water quality will change
 - Fears that lake water will warm
 - Concern about disruption of lake stratification
 - Concern about hypolimnion water quality
 - Fears that system will stagnate the Outlet and cause HAB's
 - Priest River will not be cooled by hypolimnetic water
 - Effects on Mysis shrimp

Would the Limnology of the Lake be Affected?

Very unlikely



Limnological Study Goal

- Identify and assess the limnological and ecological risks to Priest Lake and Priest River associated with hypolimnetic withdrawal to cool Priest River during critical periods.

The following were initiated to meet the above goal:

- Identify and assess the limnological risks of withdrawing up to 105 cfs of hypolimnetic water from June through October on Priest Lake, including risk associated with reducing the surface water flow through Outlet Bay,
- Identify and assess any risks of replacing 45-105 cfs of surface water with the same amount of hypolimnetic water on the water quality of the Priest River,
- Develop a long-term monitoring plan designed to evaluate the potential impacts of operating a hypolimnetic withdrawal system on Priest Lake, and
- Summarize the results of the investigation in a report.

Process- Key Points

- Has not moved from a concept to a proposal
- No funding or final designs are in place for construction
- Alternatives Analysis and preliminary geomorphology study completed
- Limnology Assessment *Results will be presented by Advanced Eco-Solutions in a virtual meeting September 22 at 6 PM PDT*

Thank You



Questions??

Merritt Horsmon merritt.horsmon@idfg.idaho.gov

Andy Dux andy.dux@idfg.idaho.gov

Chip Corsi charles.corsi@idfg.idaho.gov

208-769-1414

Memorandum



To: Idaho Water Resource Board

From: Shelley Keen

Date: September 17, 2021

Re: Adjudication project updates in Northern and Southeastern Idaho

REQUIRED ACTION: No action required

Shelley Keen and Evan Roda will present updates on the following adjudication efforts:

- Final Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) issues
 - 21 active objections in Basin 95
 - IDWR is working with Avista to reach agreement on how to quantify Avista's storage uses.
 - Federal Reserved Claims (Tribal and USFS)
 - BIA's claims on behalf of the Coeur d'Alene Tribe remain. Litigation has been stayed to allow parties to continue mediation.
 - Parties have reached resolution to USFS federal reserved claims and are finalizing recommendations.
- Filing of the Palouse River Basin Adjudication (PRBA) Directors Report and timeline
 - IDWR submitted the Director's Report for State and Federal Reserved claims on August 2, 2021. The objection deadline is January 10, 2022
- Clark Fork – Pend Oreille River Basin (CFPRBA) commencement order, appeals and timeline
 - The United States filed an appeal to the order to commence the Clark Fork-Pend Oreille River Basin adjudication issued on June 15, 2021. The order is pending on appeal.
 - IDWR mailed ~5000 commencement notices to property owners in basin 97 during the 1st full week of September 2021.
- Bear River Basin Adjudication (BRBA) commencement order, appeals and timeline
 - The United States filed an appeal to the order to commence the Bear River Basin adjudication issued on June 15, 2021. The order is pending on appeal.

Memorandum



To: Idaho Water Resource Board (IWRB)
From: Brian Patton, Planning & Projects Bureau
Date: September 9, 2021
Re: CSRBA Forest Service Settlement

ACTION: May be requested at the meeting

Darrell Early of the Attorney General's office will provide an update and materials on CSRBA Forest Service Settlement.

UNITED STATES OF AMERICA

PAUL E. SALAMANCA
Deputy Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

DAVID L. NEGRI (ISB # 6697)
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
Telephone: (208) 334-1936
Facsimile: (208) 334-1414
Electronic mail: dnegri@usdoj.gov

Attorneys for the United States of America

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re CSRBA)	Subcase Nos. 91-7931, 91-7963, 91-
Case No. 49576)	7995, 91-8007, and 91-8019 (Lead
)	Subcase for Groups 1-5)
)	(See Ex. A for complete list of
)	subcases)
)	
)	STIPULATION AND JOINT
)	MOTION FOR ORDER
)	APPROVING STIPULATION

STIPULATION

The United States of America (“United States”); objectors the State of Idaho (“State”);
Hecla Limited; the City of St. Maries; Benewah County, Board of County Commissioners; the

City of Coeur d'Alene; the North West Property Owners Alliance, the individual members of which are listed on Exhibit B-1; the North Idaho Water Rights Alliance, the individual members of which are listed on Exhibit B-2; the Coeur d'Alene Lakeshore Property Owners Association, the individual members of which are listed on Exhibit B-3; Hagadone Hospitality Co.; Rathdrum Power LLC; Potlatch Forest Holdings, Inc.; Potlatch Land & Lumber, LLC; and Potlatch TRS Idaho, LLC (the State and these other objectors, referred to as "Objectors;" the United States and Objectors referred to as the "parties"), who constitute all the parties to these subcases, by and through their respective undersigned counsel, hereby stipulate and agree as follows:

1. Stipulation to Entry of Partial Decrees. The parties stipulate to entry of partial decrees confirming the United States' federal reserved water rights and setting forth the quantities and terms of said water rights. In total, the parties are stipulating to the entry of 1,105 partial decrees attached hereto as Exhibit C ("Partial Decrees") that are split from the 259 claims filed in the subcase numbers identified in Exhibit A (hereinafter "Claims"). The Partial Decrees fall into five broad categories described below: (1) Surface Water Rights for Fire Suppression, (2) Ground Water Rights for Fire Suppression, (3) Surface Water Rights for Administrative Purposes, (4) Groundwater Rights for Administrative Purposes, and (5) Future Administrative Sites.

a. Surface Water Rights for Fire Suppression (Partial Decree nos. 91-7931A to 91-7962D, 92-11058A to 92-11066, 92-11078A to 92-11079D, 93-7671A to 93-7671E, 94-9511A to 94-9546E, and 95-17393A to 95-17403F). The Partial Decrees provide that the United States may intermittently divert the amount of water from identified sources necessary to suppress wildfires in National Forests in Idaho and adjacent National Forests in Montana. The Fire Suppression Surface Water Rights focus

on specific Hydrologic Code Unit 12 (“HUC12”) subwatersheds and identify all surface-water sources and points of diversion within that subwatershed on National Forest System Land. Under the parties’ agreement, these Partial Decrees split the United States claims such that each Partial Decree has a single priority date. Therefore, many of the HUC12 subwatersheds have multiple Partial Decrees, setting forth the sources and points of diversions that the United States may divert water from under a specific priority date.

b. Groundwater Rights for Fire Suppression (Partial Decree Nos. 91-7995 to 91-8006, 92-11076, 94-9583 to 94-9595, and 95-17415 to 95-17424). Each Partial Decree identifies an existing well on National Forest System Land. The Partial Decrees provide that the United States may intermittently divert the amount of water necessary to suppress wildfires in National Forests in Idaho and adjacent National Forests in Montana.

c. Surface Water Rights for Administrative Purposes (91-7963A to 91-7994D, 92-11067A to 92-11075A, 92-11080A to 92-11081D, 94-9547A to 94-9582E, 95-17404A to 95-17414F). The Partial Decrees provide that the United States may intermittently divert water from identified sources for certain incidental administrative uses necessary to fulfill the purposes of the Organic Administration Act of 1897. Each Partial Decree includes a maximum diversion rate and annual acre-foot limit. Like the Fire Suppression Surface Water Rights, the Administrative Surface Water rights focus on specific HUC12 subwatersheds, and identify all surface-water sources and points of diversion within that subwatershed on National Forest System Land. Under the parties’ agreement, these Partial Decrees split the United States’ claims such that each Partial Decree has a single priority date. Therefore, many of the HUC12 subwatersheds have

multiple Partial Decrees, setting forth the sources and points of diversions that the United States may divert water from under a specific priority date.

d. Groundwater Rights for Administrative Purposes (91-8007 to 91-8018, 92-11077, 94-9596 to 94-9608, 95-17425 to 95-17434). Each Partial Decree identifies an existing well on National Forest System Land and provides that the United States may intermittently divert water for certain incidental administrative uses necessary to fulfill the purposes of the Organic Administration Act of 1897. The quantity for each Partial Decree includes a specific cfs rate and an annual acre-foot limit.

e. Groundwater Rights for Future Administrative Sites (91-8019 to 91-8020, 94-9609 to 94-9611). Each partial decree identifies a specific point of diversion and place of use for a future well to support a future administrative site.

The parties agree to bear their own costs and fees. The parties request the Coeur d'Alene-Spokane River Basin Adjudication Court ("CSRBA Court") to approve, by granting the Joint Motion for Order Approving Stipulation and entering the attached proposed Order (attached as Exhibit E), the existence and quantification of the federal reserved water rights as agreed to by the parties as set forth in the attached Partial Decrees. The parties further stipulate to entry of a final decree incorporating the Partial Decrees.

2. Stipulation for Disallowal of Remaining Claims. Under the parties' agreement, many of the claims identified in Attachment A were split into several water rights with new water right numbers. Additionally, the parties recognize that the original six subcase numbers that these claims were originally filed under are still open, but none of the current claims before the Court use those subcase numbers. Exhibit D, attached hereto, lists the original six claims and the amended water right claims that were split into new water rights and are no longer in use

under the parties' agreement. The parties request that should the Court enter the Partial Decrees attached as Exhibit C that the Court also disallow the remaining claims set forth in Exhibit D.

3. Notice to the Idaho Department of Water Resources ("IDWR"). If IDWR determines that information regarding the United States' prospective use of water under the Administrative rights decreed pursuant to this stipulation (see sections 1.c and 1.d above) is necessary for IDWR to administer water within the Coeur d'Alene-Spokane River Basin or for IDWR to fulfill its other administrative or enforcement duties, IDWR shall provide notice to the United States setting forth the information reasonably needed and a reasonable form in which the information should be provided. The United States agrees that, upon receiving notice from IDWR, the United States shall provide the information requested within a reasonable time as agreed to between the United States and IDWR. The United States and IDWR agree to act reasonably and in good faith in their duties provided under this provision, including reaching agreement on a timeline for the United States to provide the requested information.

4. Stipulation Does Not Affect Statutory or Regulatory Authority. The parties agree that nothing in this Stipulation or the Partial Decrees shall be construed or interpreted:

- a. to establish any standard to be used for the quantification of federal reserved water rights; or
- b. to limit in any way the rights of the parties or any person to litigate any issue or question not resolved by this Stipulation.

5. Request for Approval of Stipulation and Entry of Partial Decrees. The parties agree to submit this Stipulation and Joint Motion to the Court in full satisfaction of all claims set forth in Exhibits A and D, and all objections and responses thereto.

6. Defense of Stipulation. The parties agree to jointly support and defend the Joint Motion for Order Approving the Stipulation against any and all objections or other challenges that may arise in any phase of the CSRBA, including any appeals. If the Court fails to approve the Stipulation and/or to enter the Partial Decrees exactly as set forth herein, the Stipulation is voidable by any party. Any party electing to void the Stipulation shall notify the other parties and the Court in writing of that election within 30 days of the order of the Court not approving the Stipulation and/or Partial Decrees. Failure to provide such notification shall result in forfeiture of the right to void the Stipulation. If the Stipulation is voided, the parties shall retain all existing claims, objections and responses as though no Stipulation ever existed.

7. Stipulation Not to be Used Against Parties. The parties agree and request the Court grant the Joint Motion for Order Approving Stipulation and enter the attached proposed Order, thereby confirming the following: This Stipulation has been entered into based upon good faith negotiations for the purpose of resolving legal disputes, including pending litigation, by compromise and settlement. Nothing in this Stipulation, offers or negotiations leading up to this Stipulation, the Partial Decrees, affidavits, or other evidence or pleadings submitted for the approval of the Stipulation and/or the Partial Decrees shall be construed as admissions against interest or used as evidence to support or oppose any party's claims or objections in the CSRBA or in any other adjudication involving similar water right claims, or in any other manner by any party in the CSRBA in any future proceedings in the CSRBA, in any appellate proceedings concerning the CSRBA, or in any other proceeding, other than those seeking approval of the Order Approving Stipulation for interpretation, enforcement or administration of this Stipulation or the Partial Decrees, or for a purpose contemplated by Idaho Rule of Evidence 408(b).

8. Stipulation and Partial Decrees Binding. This Stipulation shall bind and inure to the benefit of the respective successors of the parties. Upon entry of the Partial Decrees, the Partial Decrees shall be binding on all persons.

9. Anti-Deficiency Act. No provision in this Stipulation shall be construed or interpreted to commit any federal official to expend funds not appropriated by Congress, or as a commitment or requirement that the United States obligate funds or pay costs in contravention of the Anti-Deficiency Act, 31 U.S.C. §§ 1301, 1341, or any other applicable provision of law . No provision in this Stipulation shall be construed or interpreted to bind or obligate the State of Idaho or any agency or political subdivision, municipality, or other taxing district of the State of Idaho, or instrument thereof beyond the term of any particular appropriation of funds by the State Legislature or by the governing body of any agency, or political subdivision, municipality, or other taxing district of the State of Idaho as may exist from time to time.

10. Mutual Covenants of Authority. The parties represent and acknowledge that each of the undersigned is authorized to execute this Stipulation and Joint Motion on behalf of the party they represent.

11. Non-Severability. The provisions of this Stipulation are not severable. If any provision of this Stipulation is found to be unlawful and of no effect, then the parties shall resume negotiations to revise such unlawful provision.

JOINT MOTION FOR ORDER APPROVING STIPULATION

The parties request the Court: (1) approve the foregoing Stipulation; (2) approve and recommend the entry of the Partial Decrees attached as Exhibit C and the disallowal of the claims listed in Exhibit D; and (3) order that, pursuant to Idaho Rule of Evidence 408, nothing in the Stipulation, offers and negotiations leading up to the Stipulation, the Partial Decrees,

affidavits, or other evidence or pleadings submitted for the approval of the Stipulation shall be construed as admissions against interest or used as evidence to support or oppose any claims or objections in the CSRBA or in any other adjudication involving similar water right claims, or in any other manner by any party in the CSRBA in any future proceedings in the CSRBA, in any appellate proceedings concerning the CSRBA, or in any other proceeding, other than those for interpretation, enforcement or administration of the Stipulation or the Partial Decrees, or for a purpose contemplated by Idaho Rule of Evidence 408. The order sought by this Joint Motion, attached as Exhibit E, is fully in accordance with Idaho Rule of Evidence 408, as well as the policy underlying that rule and the policy of the Court directed at furthering the strong public policy favoring out-of-court settlement of disputes over litigation.

Wherefore, the parties respectfully request that this Court grant this Joint Motion in all respects by entering the attached proposed order.

The parties have executed this Stipulation and Joint Motion on the date following their respective signatures.

FOR THE UNITED STATES OF AMERICA:

PAUL E. SALAMANCA
Deputy Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

Dated this ____ day of _____, 2020

DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
550 W. Fort St., MSC 033
Boise, ID 83724

FOR THE STATE OF IDAHO, including THE IDAHO WATER RESOURCES BOARD:

LAWRENCE G. WASDEN
Attorney General

DARRELL G. EARLY
Deputy Attorney General
Chief, Natural Resources Division

STEVEN W. STRACK
Deputy Attorney General

Dated this ____ day of ____, 2020

SHANTEL M. CHAPPLE KNOWLTON
Deputy Attorney General

FOR HECLA LIMITED:

ALBERT P. BARKER
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, Idaho, 83701-2139

Dated this ____ day of ____, 2020

FOR THE CITY OF ST. MARIES AND BENEWAH COUNTY, BOARD OF COUNTY COMMISSIONERS:

Dated this ____ day of ____, 2020

NANCY A. WOLFF
MARIAH R. DUNHAM
Dunham & Wolff, P.A..
722 Main Avenue
St. Maries, Idaho 83861

FOR THE CITY OF COEUR D'ALENE:

CANDICE MCHUGH
CHRIS BROMLEY
McHugh Bromley, PLLC
380 S. 4th St., Ste. 104
Boise, Idaho 83702

Dated this ____ day of ____, 2020

FOR THE NORTH WEST PROPERTY OWNERS ALLIANCE, the individual members of which are listed in Exhibit B-1; THE NORTH IDAHO WATER RIGHTS ALLIANCE, the individual members of which are listed in Exhibit B-2; THE COEUR D'ALENE LAKESHORE PROTECTION ASSOCIATION, the individual members of which are listed in Exhibit B-3; HAGADONE HOSPITALITY CO.; and RATHDRUM POWER LLC:

Dated this ____ day of ____, 2020

NORMAN M. SEMANKO

Parsons Behle & Latimer

800 W Main St., Ste. 1300

Boise, Idaho 83702

FOR POTLATCH FOREST HOLDINGS, INC.; POTLATCH LAND & LUMBER, LLC; AND
POTLATCH TRS IDAHO, LLC:

Dated this ____ day of ____, 2020

MICHAEL P. LAWRENCE

Givens Pursley LLP

601 W. Bannock St.

P.O. Box 2720

Boise, ID 83701-1200

Attorney for

**CONFIDENTIAL SETTLEMENT DOCUMENT
PREPARED PURSUANT TO RULE 408, I.R.E.**

DO NOT PRODUCE OR CIRCULATE

**SETTLEMENT TERM SHEET
USFS ORGANIC ACT CLAIMS (See Exhibit A)**

The United States agrees to prepare a Stipulation and Joint Motion For Order Approving Stipulation and Entry of Partial Decrees ("Settlement Agreement") incorporating the following provisions of this Term Sheet:

I. FIRE SUPPRESSION CLAIMS

1. Sources:
 - A. Sources in Fire Suppression surface water rights listed as "unnamed streams" and "unnamed waterbodies" shall be named with names included in the National Hydrological Database if a name is provided.
 - B. Sources in Fire Suppression surface water claims listed as "unnamed waterbodies," if no name is found, will be renamed in the water right as "unnamed ponds" or other allowable source names provided in Idaho Department of Water Resources (IDWR) naming conventions.
 - C. Sources in the Fire Suppression surface water rights shall include the name of the first named tributary to the listed sources.
2. Priority Date:
 - A. The claims shall be split so that each Fire Suppression surface water right has only one priority date. Split claims will be identified by the original claim number followed by a letter (A-Z).
 - B. Where an identical POD in the claim is identified as having more than one priority date, the priority date in the water right will be the most junior priority date claimed for that POD.
 - C. Sources in claim nos. 95-17398, 95-17400, and 95-17401 that are within the adjudication boundaries of *Avondale Irrigation Dist. v. N. Idaho Props., Inc.*, 1st Judicial Dist., Kootenai Cnty., Case Nos. 22418, 22419, 22420 with claimed priority dates prior to April 11, 1969 shall have a priority date of April 11, 1969.
3. Place of Use:
 - A. The place of use for the Fire Suppression surface water and ground water rights will be limited to National Forests in Idaho and adjacent National Forests (Kaniksu, Lolo and Kootenai National Forests) in Montana.
 - B. The United States Forest Service (USFS) will provide a GIS layer to the IDWR depicting the above described place of use.
4. Quantity:
 - A. The quantity for the Fire Suppression surface water and ground water rights shall be "The amount of water necessary to control and suppress forest fires."
5. Purpose of Use:

- A. The Purpose of use for the Fire Suppression surface water and groundwater rights shall be “Administrative-Fire Suppression.”
- 6. Administrative Remarks:
 - A. The partial decrees for the Fire Suppression surface water and ground water rights shall include the following administrative remark:

This right is limited to the intermittent diversion and use of water for the purpose of suppressing wildfires. This water right shall not be used as a basis to prevent the future appropriation of water.

II. ADMINISTRATIVE CLAIMS

- 1. Sources:
 - A. Sources in Administrative surface water rights listed as “unnamed streams” and “unnamed waterbodies” shall be named with names included in the National Hydrological Database if a name is provided.
 - B. Sources in Administrative surface water claims as “unnamed waterbodies” that are not named will be renamed in the water right as “unnamed ponds” or other allowable source names provided in IDWR’s naming conventions.
 - C. Sources in the Administrative surface water rights shall include the name of the first named tributary to the listed sources.
- 2. Priority Date:
 - A. The claims shall be split so that each Administrative Surface water right has only one priority date. Split claims will be identified by the original claim number followed by a letter (A-Z).
 - B. Where an identical POD in the claim is identified as having more than one priority date, the priority date in the water right will be the most junior priority date claimed for that POD.
 - C. Sources in claim nos. 95-17409, 95-17411, and 95-17412 that are within the adjudication boundaries of *Avondale Irrigation Dist. v. N. Idaho Props., Inc.*, 1st Judicial Dist., Kootenai Cnty., Case Nos. 22418, 22419, 22420 with claimed priority dates prior to April 11, 1969 shall have a priority date of April 11, 1969.
- 3. Place of Use:
 - A. The place of use for the Administrative surface water and ground water rights will be limited to the hydrological unit code 12 (HUC12) subwatersheds depicted in each claim and adjacent HUC12 subwatersheds.
 - B. United States Forest Service may identify specific claims where the place of use may include HUC12 subwatersheds that are not technically adjacent but are in close proximity to the claimed HUC12 subwatershed.
 - C. USFS will provide IDWR with maps of the HUC 12 watersheds identified in the place of use for each of the Administrative surface water and ground water rights.
- 4. Quantity:
 - A. The quantity for the Administrative surface water rights shall be:

Up to __ acre feet per year, with a diversion rate never to exceed the lesser of 1 cfs or twenty-five (25) percent of the rate of flow then available at each point of diversion and, cumulatively, no more than twenty-five (25) percent at the furthest

downstream point of diversion in use under the water right nos. ____ through ____ and their progeny.

- B. The annual volumetric limit for each Administrative surface water right shall be the limit set forth in the claim from which the water right is split with a total combined use limit for all rights split from the claim equal to the annual volumetric limit set forth in the claim.
- C. The Administrative surface water rights shall include combined use limits matching the combined use limits set forth in the corresponding Administrative ground water claims.
- D. The Administrative ground water claims with diversion rates greater than .06 cfs shall include combined use limits with the state based water right claims with the same POD, limiting the total combined diversion rate to the diversion rate claimed in the Administrative ground water claim. The following combined diversion rates have been identified, but the parties agree that this list may be subject to change should it be determined that a right has been mistakenly identified or left off the list below.
 - i. 91-8015 total combined diversion rate of .24 cfs with 91-7631, 91-8021 (if decreed), 91-8022 (if decreed), 91-9023 (if decreed), 91-8024 (if decreed), and 91-8025 (if decreed).
 - ii. 91-8016 total combined diversion rate of .11 cfs with 91-7639.
 - iii. 94-9597 total combined diversion rate of .13 with 94-8157.
 - iv. 95-17425 total combined diversion rate of 2.8 cfs with 95-2134 (if decreed).
 - v. 95-17426 total combined diversion rate of .56 cfs with 95-2142 (if decreed).
 - vi. 95-17427 total combined diversion rate of .8 cfs with 95-7063 (if decreed).
 - vii. 95-17428 total combined diversion rate of .51 cfs with 95-7983 (if decreed).
 - viii. 95-17430 total combined diversion rate of 1.78 cfs with 95-9564 (if decreed).

5. Purpose of Use:

- A. The Purpose of Use for the Administrative surface water and groundwater rights shall be:

Administrative - National Forest administration including road construction, dust abatement, prescribed fire, vegetation establishment, maintaining riding and pack stock used for administrative purposes, and any other similar incidental administrative uses necessary to fulfill the purposes of the Organic Administration Act of 1897.

6. Administrative Remarks:

- A. The Administrative surface and ground water rights shall include the following remark:

This right is limited to the intermittent diversion and use of water for the stated purposes. This water right shall not be used as a basis to prevent the future appropriation of water or as a basis to request or initiate a delivery call or otherwise have the Idaho Department of Water Resources, a Water District, or a Court curtail, or limit distribution in whole or in part to, existing legal uses of water to satisfy this water right. This provision shall not be construed as a basis to curtail the United States' use of water under this right to satisfy junior water rights.

- B. The Stipulation shall include the following administrative provision:

If IDWR determines that information regarding the United States' prospective use of water under the Administrative rights decreed pursuant to this stipulation is necessary for IDWR to administer water within the Coeur d'Alene-Spokane River Basin or for IDWR to fulfill its other administrative or enforcement duties, IDWR shall provide notice to the United States setting forth the information reasonably needed and, a reasonable form in which the information should be provided. United States agrees that, upon receiving notice from IDWR, the United States shall provide the information requested within a reasonable time as agreed to between by the United States and IDWR. The United States and IDWR agree to act reasonably and in good faith in their duties provided under this provision, including reaching agreement on a timeline for the United States to provide the requested information.

7. Subordination: The following water rights have been identified for subordination, but the parties agree that this list may be subject to change should it be determined that a right has been mistakenly identified or left off the list below.
 - A. All water rights split from Administrative surface water claim 91-7994 shall be subordinate and junior to water right nos. 91-2021 and 91-4001.
 - B. All water rights split from Administrative surface water claim 94-9571 shall be subordinate and junior to water right no. 94-2042.
 - C. All water rights split from Administrative surface water claim no. 94-9573 shall be subordinate and junior to water right nos. 94-2181, 94-2225A, 94-7009, 94-7015.
 - D. All water rights split from Administrative surface water claim no. 94-9572 shall be subordinate and junior to water right nos. 94-8721.
 - E. All water rights split from Administrative surface water claim no. 94-9576 shall be subordinate and junior to water right nos. 94-2094, 94-2132, and 94-2166.
 - F. All water rights split from Administrative surface water claim no. 94-9578 shall be subordinate and junior to water right no 94-9428.
 - G. All water rights split from Administrative surface water claim no. 94-9571 shall be subordinate and junior to water right no 94-7374.
8. Claims to be Withdrawn:
 - A. USFS will identify sources in the Administrative surface water claims that are wetlands and claims to wetlands will be withdrawn, except for those wetlands USFS identifies as necessary sources. The parties will revisit the wetlands identified as necessary and reach agreement on whether those sources will be included in the water rights.
 - B. Claims to wetlands to be withdrawn shall include wetlands identified in claim nos. 94-9580 and 94-9581.

III. FUTURE ADMINISTRATIVE SITES

1. Quantity:
 - A. The quantity of the Future Administrative Site water rights shall be .1 cfs with a 13,000 gpd limit.
2. The remaining elements shall remain as claimed.

IV. USFS STATE BASED WATER RIGHTS

1. USFS's state-based water rights that share a POD with the Administrative groundwater rights identified in Section II.4.d that have not been decreed as of the date of this agreement shall include corresponding combined diversion rates with the Administrative groundwater rights. The following water rights have been identified, but the parties agree that this list may be subject to change should it be determined that a right has been mistakenly identified or left off the list: 91-8021(if decreed), 91-8022 (if decreed), 91-9023 (if decreed), 91-8024 (if decreed), 91-8025 (if decreed), 95-2134 (if decreed), 95-2142 (if decreed), 95-7063 (if decreed), 95-9564 (if decreed).

V. GENERAL TERMS TO BE INCLUDED IN SETTLEMENT AGREEMENT

The parties that the Settlement Agreement shall include the following general terms:

1. The parties agree to bear their own costs and fees.
2. Nothing in the Settlement Agreement shall be so construed or interpreted to (1) establish any standard for entitlement or quantification of federally-reserved water rights or to (2) limit in any way the rights of the parties or any person to litigate any issue or question not resolved by the Settlement Agreement.
3. The Settlement Agreement has been reached in the process of good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or used as evidence to support or oppose any party's claims or objections in the CSRBA or in any other adjudication involving claims for the same or similar purposes, including the quantities of water claimed, or in any other manner by any party in any future proceedings in the CSRBA, in any appellate proceedings concerning the CSRBA, or in any other proceeding, other than those seeking approval of the Settlement Agreement and Partial Decrees implementing the Settlement Agreement, for interpretation, enforcement or administration of the Settlement Agreement or the Partial Decrees, or for a purpose contemplated by Idaho Rule of Evidence 408.
4. The parties agree that implementation of the Settlement Agreement will fully satisfy the claims set forth in Exhibit A and all objections and responses thereto. The parties agree to provide notice of the Settlement Agreement through the CSRBA Docket Sheet and by personal notice to Objectors, and to jointly present affidavits and such other evidence as may be required by the Court for the approval of the Settlement Agreement.
5. The parties agree to jointly support and defend the Settlement Agreement against any and all objections or other challenges that may arise in any phase of the CSRBA, including any appeals. If the CSRBA Court fails to approve the Settlement Agreement and enter the Partial Decrees exactly as set forth therein, the Settlement Agreement shall be voidable by any party, providing that any party electing to void the Settlement Agreement shall notify the other parties and the CSRBA Court in writing of that election within 30 days of the order of the Court not approving the Settlement Agreement and/or Partial Decrees.

Failure to provide such notification in the manner provided shall result in forfeiture of such right to void the Settlement Agreement. If the Settlement Agreement is voided, the parties shall retain all existing claims, objections and responses as though the Settlement Agreement never existed.

6. The Settlement Agreement shall bind and inure to the benefit of the respective successors of the parties. Upon entry of the Partial Decrees, the Partial Decrees shall be binding on all persons.
7. The Settlement Agreement shall provide that it shall not be construed to commit any federal official to expend funds not appropriated by Congress.

VI. **IMPLEMENTATION OF TERM SHEET**

1. By signing this Term Sheet, undersigned counsel agree to recommend approval of a Final Settlement Agreement including the terms herein, but understand and agree that execution of a Settlement Agreement is dependent on approval by the State of Idaho Water Resources Board and the United States Department of Agriculture and Department of Justice. Should a Settlement Agreement not be approved with the same terms agreed to herein, the parties shall have no further obligations under this Term Sheet and shall retain all existing claims, objections and responses.
2. Upon signing this Term Sheet, the parties will jointly seek a stay of the proceedings on the subcases listed in Exhibit A. The United States agrees to attempt to have all technical work completed and draft partial decrees circulated to the other parties by **December 1, 2019**. The parties agree to make best efforts to obtain necessary approvals of the Settlement Agreement so that it can be filed with the Court by **February 3, 2020**.
3. The provisions of this Term Sheet are not severable. If any provision of this Term Sheet is found to be unlawful and of no effect, then the parties hereto shall resume negotiations to revise such unlawful provision.
4. Undersigned counsel have executed this Term Sheet on the date of their respective signatures.

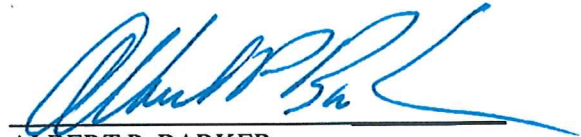
Dated this 29 day of May, 2019.

LAWRENCE G. WASDEN
Attorney General
DARRELL G. EARLY
Deputy Attorney General
Chief, Natural Resources Division
STEVEN W. STRACK
Deputy Attorney General



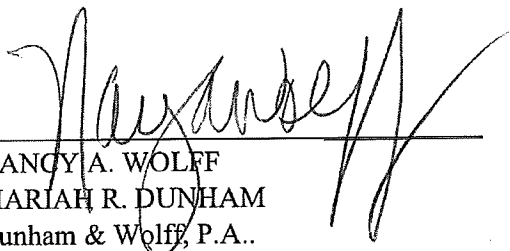
SHANTEL M. CHAPPLE KNOWLTON
Deputy Attorney General
Attorneys for the State of Idaho

Dated this 29 day of May, 2019.



ALBERT P. BARKER
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, Idaho, 83701-2139
Attorney for Hecla Limited

Dated this 29 day of May, 2019.

A handwritten signature in dark ink, appearing to read "Nancy A. Wolff", is written over a horizontal line.

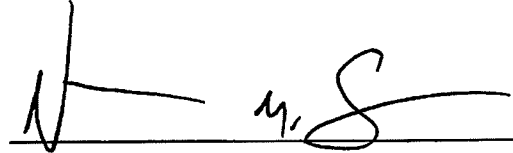
NANCY A. WOLFF
MARIAH R. DUNHAM
Dunham & Wolff, P.A..
722 Main Avenue
St. Maries, Idaho 83861
Attorneys for the City of St. Maries and
Benewah County, Board of County
Commissioners

Dated this 29th day of May, 2019.



CANDICE MCHUGH
CHRIS BROMLEY
McHugh Bromley, PLLC
380 S. 4th St., Ste. 104
Boise, Idaho 83702
Attorneys for the City of Coeur d'Alene

Dated this 28 day of May, 2019.

A handwritten signature in black ink, appearing to read 'N. M. Semanko', is written over a horizontal line.

NORMAN M. SEMANKO

Parsons Behle & Latimer

800 W Main St., Ste. 1300

Boise, ID 83702

Attorney for each of the individuals and
entities listed in Exhibit B, hereto.

Dated this 29th day of May, 2019.



MICHAEL P. LAWRENCE

Givens Pursley LLP


601 W. Bannock St.

P.O. Box 2720

Boise, ID 83701-1200

Attorney for Potlatch Forest Holdings, Inc.;
Potlatch Land & Lumber, LLC; and Potlatch
TRS Idaho, LLC

Dated this 29 day of May, 2019.



DAVID L. NEGRI
BRUCE D. BERNARD
United States Department of Justice
Environment and Natural Resources
Division
550 W. Fort St., MSC 033
Boise, ID 83724
Attorneys for the United States of America

EXHIBIT A

GROUP 1 (SURFACE WATER FIRE SUPPRESSION)

Subcase Nos:

91-07931	94-09517
91-07932	94-09518
91-07933	94-09519
91-07934	94-09520
91-07935	94-09521
91-07936	94-09522
91-07937	94-09523
91-07938	94-09524
91-07939	94-09525
91-07940	94-09526
91-07941	94-09527
91-07942	94-09528
91-07943	94-09529
91-07944	94-09530
91-07945	94-09531
91-07946	94-09532
91-07947	94-09533
91-07948	94-09534
91-07949	94-09535
91-07950	94-09536
91-07951	94-09537
91-07952	94-09538
91-07953	94-09539
91-07954	94-09540
91-07955	94-09541
91-07956	94-09542
91-07957	94-09543
91-07958	94-09544
91-07959	94-09545
91-07960	94-09546
91-07961	95-17393
91-07962	95-17394
92-11058	95-17395
92-11059	95-17396
92-11060	95-17397
92-11061	95-17398
92-11062	95-17399
92-11063	95-17400
92-11064	95-17401
92-11065	95-17402
92-11066	95-17403
92-11078	
92-11079	
93-07671	
94-09511	
94-09512	
94-09513	
94-09514	
94-09515	
94-09516	

(Subcase list: SWFSG1)

GROUP 2 (SURFACE WATER NATL FOREST ADMIN)

Subcase Nos:

91-07963	94-09553
91-07964	94-09554
91-07965	94-09555
91-07966	94-09556
91-07967	94-09557
91-07968	94-09558
91-07969	94-09559
91-07970	94-09560
91-07971	94-09561
91-07972	94-09562
91-07973	94-09563
91-07974	94-09564
91-07975	94-09565
91-07976	94-09566
91-07977	94-09567
91-07978	94-09568
91-07979	94-09569
91-07980	94-09570
91-07981	94-09571
91-07982	94-09572
91-07983	94-09573
91-07984	94-09574
91-07985	94-09575
91-07986	94-09576
91-07987	94-09577
91-07988	94-09578
91-07989	94-09579
91-07990	94-09580
91-07991	94-09581
91-07992	94-09582
91-07993	95-17404
91-07994	95-17405
92-11067	95-17406
92-11068	95-17407
92-11069	95-17408
92-11070	95-17409
92-11071	95-17410
92-11072	95-17411
92-11073	95-17412
92-11074	95-17413
92-11075	95-17414
92-11080	
92-11081	
93-07672	
94-09547	
94-09548	
94-09549	
94-09550	
94-09551	
94-09552	

(Subcase list: SWNFAG2)

GROUP 3 (GROUND WATER FIRE SUPPRESSION)

Subcase Nos:

91-07995
91-07996
91-07997
91-07998
91-07999
91-08000
91-08001
91-08002
91-08003
91-08004
91-08005
91-08006
92-11076
94-09583
94-09584
94-09585
94-09586
94-09587
94-09588
94-09589
94-09590
94-09591
94-09592
94-09593
94-09594
94-09595
95-17415
95-17416
95-17417
95-17418
95-17419
95-17420
95-17421
95-17422
95-17423
95-17424

GROUP 4 (GROUND WATER NATL FOREST ADMIN)

Subcase Nos:

91-08007
91-08008
91-08009
91-08010
91-08011
91-08012
91-08013
91-08014
91-08015
91-08016
91-08017
91-08018
92-11077
94-09596
94-09597
94-09598
94-09599
94-09600
94-09601
94-09602
94-09603
94-09604
94-09605
94-09606
94-09607
94-09608
95-17425
95-17426
95-17427
95-17428
95-17429
95-17430
95-17431
95-17432
95-17433
95-17434

(Subcase list: GWNFAG4)

GROUP 5 (GROUND WATER FS ADMIN SITES)

Subcase Nos:

91-08019
91-08020
94-09609
94-09610
94-09611

(Subcase list: GWNFASG5)

EXHIBIT B

North Idaho Water Rights Alliance

Doug & Kristi Payne P.O. Box 315 St. Maries, ID 83861	Pam Secord for Oceanwoods Oasis Trust 391 Bella Rose Road St. Maries, ID 83861	Robin & Leslee Stanley P.O. Box 268 Silverton, ID 83867	Thomas G. & Mary M. Carver 2301 Cromwell Drive St. Maries, ID 83861
Gary & Patricia Mitchell 30808 S. Hwy 3 Medimont, ID 83842	Mullan School #392 345 Park St Mullan, ID 83846	Jack & Eleanor Buell 402 Shepherd Road St. Maries, ID 83861	Edward & Candace Anderson P.O. Box 327 Kingston, ID 83839
Norman McCall P.O. Box 160 Fernwood, ID 83830	Dick & Carole Hardwood 81527 Hwy 3 So. St. Maries, ID 83861	Robert & Dianna Bostrom P.O. Box 241 Potlach, ID 83855	Robert & Patty Anderson P.O. Box 2674 Everett, WA 98213
Crows Nest Water Association P.O. Box 311 Harrison, ID 83833	Nona Bruns P.O. Box 105 St. Maries, ID 83861	Bernard & Dawn Weber 60553 Hwy 3 So. Fernwood, ID 83830	Ralph & Martha Banderob 8831 Hells Gulch Road St. Maries, ID 83861
Weber Farms 60553 Hwy 3 So. Fernwood, ID 83830	Carol Clark 1513 E. 56th Lane Spokane, WA 99223	Ken & Yvonne Devries 333 Lost Trail St. Maries, ID 83861	Roderick & Beth Halvorson P.O. Box 44 Santa, ID 83866
Rick & Holly Day 59494 S. Hwy 97 St. Maries, ID 83861	Dohrman, Jean 59510 S. Hwy 97 St. Maries, ID 83861	Tom & Eileen DuHamel 4300 E. Sunset Drive Harrison, ID 83833	Ronald & Sherlene Mendive 3732 S. Dusty Lane Coeur d'Alene, ID 83814
John & Shirley Ferris 7569 Windfall St. Maries, ID 83861	Roy & Linda Michael 400 Michael Road St. Maries, ID 83861	Furth, James & Victoria 16603 Hwy 5 St. Maries, ID 83861	William & Gretchen Harrison 12777 W. Cougar Gulch Road Coeur d'Alene, ID 83814
Patrice Hartel 2213 Hawthorn Lane St. Maries, ID 83861	Dean & Glenda Gentry P.O. Box 321 St. Maries, ID 83861	J. Rachael Johnson 689 Nuthatch Lane St. Maries, ID 83861	William & Nancy McAninch 205 Santa Marie Woods Dr. St. Maries, ID 83861
Terry & Wilma Murray P.O. Box 263 Santa, ID 83866	Martha Green 1090 Ellis Lane Plummer, ID 83551	John & Michelle McMahon P.O. Box 872 Victorville, CA 92393	John & Agnes McFaddin 20189 S. Eagle Peak Road Cataldo, ID 83810
Joel & Cindy Newson 260 S. River Hideaway St. Maries, ID 83861	Richard L. Powell 396 Powell Road St. Maries, ID 83861	Patrick & Annette Petrie 349 Kathy Drive St. Maries, ID 83861	Paul & Colleen Smith 88 Garden Tracts Road St. Maries, ID 83861
Jeff & Dede Shipy 95 Ferguson Street St. Maries, ID 83861	Lois Tuel 756 Shepherd Road St. Maries, ID 83861	Robert & Gail Short 31054 Hwy 6 St. Maries, ID 83861	Elizabeth Roberts 10015 W. Royal Oak #327 Sun City, AZ 85351
Sotin, Larry & Susan 82803 Hwy 3 South St. Maries, ID 83861	Don & Martha Vail 1530 Cottonwood Drive St. Maries, ID 83861	Harry Grubham 345 So. 15th St. St. Maries, ID 83861	Marvin & MaryAnne Wheeler 33716 S. Benewah Road Harrison, ID 83833
Leland & Danielle Boldt 4924 Honey Hill Road Oak Hills, CA 92344	Vic & Rita Brodie P.O. Box 82 Santa, ID 83866	Edmond & Janet Ferrel P.O. Box 125 Santa, ID 83866	Lance & J. Michele McDaniel P.O. Box 606 St. Maries, ID 83861

Northwest Property Owners Alliance

Steve Addington 33037 S Hells Gulch Rd Saint Maries, ID 83861 (208) 245-4378	John Boothe 21803 E Doyle Rd Cataldo, ID 83810 (208) 699-3412	David "Brad" & Mary Corkill PO Box 179 Cataldo, ID 83810 (208) 682-3253	Ernest & Myra Ecklund 22659 S Medimont Rd Medimont, ID 83842 (208) 689-3406
Linda Alldredge 26914 E. Dudley Road Cataldo, ID 83810 (208) 682-2556	Gale Briggs 5776 Elk Dr Harrison, ID 83833 (208) 819-6130	Julie Day 27759 S Jakes Dr. Cataldo, ID 83810 (208) 755-6144	Robert Ellis 215 Spruce St Coeur d'Alene, ID 83814
R. Earl Andersen 13636 E. Rosewood Rd Saint Maries, ID 83861 (208) 689-3787	Janet Briggs 14328 S Renner Ln Harrison, ID 83833 (208) 659-9664	Rick & Holly Day 59494 Hwy 97 Saint Maries, ID 83861 (208) 689-3918	Florence Farber Rt 2, Box 7 Harrison, ID 83833
Audrey Anderson 29532 S Hwy 3 Medimont, ID 83842 (208) 689-9106	Carol Felt Browning 1019 S Wolf Lodge Creek Rd Coeur d'Alene, ID 83814 (208) 667-2123	Tim Day 27759 S Jakes Dr. Cataldo, ID 83810 (208) 755-6144	Jeremie Figueroa 13150 S Tamarack Ridge Rd Cataldo, ID 83810 (208) 512-1207
Carl W Anderson 26884 S Hwy 3 Cataldo, ID 83810 (208) 689-3276	Terry Burger 689 Hume Creek Rd Saint Maries, ID 83861 (208) 245-5235	Jean Dohrman 59510 S Hwy 97 Saint Maries, ID 83861 (208) 689-3429	Troy Francis 6065 W Sturgeon Rd Rathdrum, ID 83858 (208) 687-1997
Dianne Anderson 25979 S Evans Creek Rd Medimont, ID 83842 (208) 689-3866	Miguel Cabeza 6486 W Harbor Dr Coeur d'Alene, ID 83814 (208) 667-4910	Larry Donahoe 31146 S Hwy 3 Medimont, ID 83842 (208) 689-3385	Herman Fritz 14795 S Renner Ln Harrison, ID 83833 (208) 689-3896
Naomi Anderson 985 E 1300 N Shelley, ID 83274 (208) 357-3184	Norman Carroll 406 Moon Gulch Rd Kellogg, ID 83837 (208) 783-1399	Bonnie (Eleanor Y) Donohoe 33402 S Hwy 3 Saint Maries, ID 83861 (208) 689-3260	Frank Frutchey 14246 S Tamarack Ridge Rd Cataldo, ID 83810 (208) 682-2077
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Robert Nettleton Black Bear Water Assn 9069 E Black Bear Rd Athol, ID 83801 (208) 683-3674	Carl Cochrane 25183 E Meadow Rd Cataldo, ID 83810 (208) 682-3591	Bonnie Doose 33824 S Hwy 3 Saint Maries, ID 83861 (208) 689-9123	Phillip Graves 11913 S River Rd Cataldo, ID 83810 (208) 512-5556
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Carl Blalack 11084 S Hardy Creek Rd Cataldo, ID 83810 (208) 682-2283	Bill L Conner 12669 E Reeva Rd Coeur d'Alene, ID 83814 (208) 665-2158	Rickey Dunn PO Box 114 Wheeler, IN 46383 (208) 215-1131	Warren Hall 9228 S Fern Creek Rd Cataldo, ID 83810 (208) 682-2828
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Fred & Marcy Hasz 634 Reynolds Rd Kingston, ID 83839 (208) 682-2858	Keith KleinKhecht 6050 W Harbor Dr Coeur d'Alene, ID 83814	Steven M Liss 14121 S Hwy 97 Harrison, ID 83833 (208) 765-3131	David & Kathy Mc Daniel 12915 S Rose Creek Cataldo, ID 83810 (208) 682-3097
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Robert Powell 13852 S Tamarack Ridge Rd Cataldo, ID 83810 (208) 682-3290	Joseph Rush 14328 S Renner Ln Harrison, ID 83833 (208) 689-3679	Neil & Nancy Strom 12191 N Forest Rd Hayden, ID 83835 (208) 772-4580	William White 26501 E Doyle Rd Cataldo, ID 83810 (208) 659-9488
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