

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE IDAHO WATER
RESOURCE BOARD RECHARGE PROGRAM

RESOLUTION REGARDING AGREEMENT NOT
TO DIVERT A PORTION OF IWRB WATER
RIGHTS 01-7054, 01-7142, and 01-10609
DURING THE 2020–2021 RECHARGE SEASON

1 WHEREAS, the Eastern Snake Plain Aquifer (ESPA) has been losing approximately 216,000 acre-
2 feet annually from aquifer storage since the 1950's resulting in declining ground water levels in the aquifer
3 and reduced spring flows to the Snake River; and
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5 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocated \$5 million from
6 the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary Aquifer Planning, Management,
7 and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and
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9 WHEREAS, the legislature provides \$5 million annually to the Secondary Aquifer Fund through the
10 Department of Water Resources budget for aquifer management; and
11

12 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136
13 directing the IWRB to develop a program of 250,000 acre-feet of annual average natural flow managed
14 recharge to the ESPA by December 31, 2024; and
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16 WHEREAS, numerous other parties are also undertaking actions for management of the ESPA
17 through various agreements, including the Idaho Ground Water Appropriators, the Surface Water
18 Coalition, the Southwest Irrigation District, the A&B Irrigation District, the Coalition of Cities, and others;
19 and
20

21 WHEREAS, the IWRB has developed water delivery agreements with several canal companies and
22 irrigation districts and invested more than \$20.4 million in infrastructure to develop the aquifer recharge
23 program, which currently has annual average operations costs of about \$3.7 million; and
24

25 WHEREAS, since 2015 when management of the ESPA began in earnest, about 2.2 million acre-
26 feet have been added to storage in the ESPA from IWRB recharge and other management actions, total
27 outflow from the Thousand Springs has increased by approximately 850 cfs, and the Sentinel Well Index
28 has increased by about 3.5 feet; and
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30 WHEREAS, the IWRB holds water rights 01-7054, 01-7142, and 01-10609 which collectively allow
31 the diversion of up to 7,769 cfs from the Snake River at or upstream of Milner Dam for aquifer recharge;
32 and
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34 WHEREAS, consistent with Idaho State Water Plan Policies 4B, 4E, 8A and the 2009 Swan Falls
35 Reaffirmation Agreement, the water rights held by the IWRB may be used to their full extent such that
36 the flows at Milner Dam are reduced to zero at any time of the year; and
37

38 WHEREAS, while recognizing and affirming the zero flow at Milner policy, the IWRB also
39 recognizes that, consistent with Idaho State Water Plan Policies 4B, 4E, 8A and the 2009 Swan Falls
40 Reaffirmation Agreement, it is appropriate for it to work cooperatively with all stakeholders to explore
41 and develop a managed recharge program that achieves, to the extent possible, benefits for all uses
42 including hydropower below Milner Dam; and
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44 WHEREAS, discussions regarding use and management of the Snake River flows above Milner
45 during the winter time under the IWRB's water rights 01-7054, 01-7142, and 01-10609 and the IWRB's
46 Aquifer Recharge Program as outlined in the ESPA CAMP are ongoing and will require the involvement of
47 all stakeholders;
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49 WHEREAS, on November 19, 2020, the IWRB passed a resolution stating its agreement not to
50 divert 200 cfs of its recharge water rights 01-7054, 01-7142, and 01-10609, during the time period of
51 December 1, 2020 through February 15, 2021, provided, however, that if the IWRB did not reach 250,000
52 acre-feet of recharge during 2020–2021 recharge season, Idaho Power Company will provide an acre-foot
53 for acre-foot replacement for the shortfall from its American Falls Reservoir Storage up to a maximum of
54 4,258 acre-feet; and
55

56 WHEREAS, discussions between the IWRB and Idaho Power indicated a desire to end the non-
57 diversion arrangement prior to February 15, 2021; and
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59 WHEREAS, IWRB's recharge program began utilizing all available flow at Milner Dam on February
60 8, 2021.
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62 NOW THEREFORE BE IT RESOLVED that the IWRB approves ending the non-diversion arrangement
63 with Idaho Power Company prior to February 15, 2021 date included in the November 19, 2020 resolution,
64 and releases Idaho Power from the requirement to provide water from its American Falls Reservoir
65 Storage if the 250,000 acre-foot recharge goal is not met.

DATED this 10th day of February, 2021.


JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST 
JO ANN COLE-HANSEN, Secretary