WHEREAS, The Water Management Account is created pursuant to Idaho Code 42-1760 and is administered by the Idaho Water Resource Board (IWRB) for certain purposes; and

WHEREAS, through House Bill 285 the 2019 Legislature appropriated $20 million to the Water Management Account to be used for the Anderson Ranch Reservoir Enlargement or the Mountain Home Air Force Base Sustainable Water Project; and

WHEREAS, House Bill 286 which is currently pending before the Legislature would make amendments to Idaho Code 42-1760, including but not limited to, stating that the Anderson Ranch Reservoir Enlargement, the Mountain Home Air Force Base Sustainable Water project, additional aquifer recharge infrastructure, and other projects selected by the IWRB may be undertaken with funds in the Water Management Account; and

WHEREAS, Senate Bill 1121 which is currently pending before the Legislature would appropriate an additional $50 million to the Water Management Account; and

WHEREAS On February 25, 2021, the IWRB Finance Committee met by videoconference and recommended the funds in the Water Management Account provided by House Bill 285 and those funds anticipated through Senate Bill 1121 be allocated as follows:

- Anderson Ranch Dam Raise Interim Funding $17.6M
- Mountain Home Air Force Base Sustainable Water Project $28.0M
- Eastern Snake Plain Aquifer Recharge Infrastructure $22.4M
- Bear Lake Additional Water Storage $2.0M

NOW, THEREFORE BE IT RESOLVED that the IWRB allocates the funds in the Water Management Account provided by House Bill 285 and those funds anticipated through Senate Bill 1121 per the Finance Committee’s recommendation.

NOW, THEREFORE BE IT FURTHER RESOLVED that, to meet Federal project funding and authorization deadlines set forth in the Water Infrastructure Improvements for the Nation Act, once the anticipated funds are transferred to the Water Management Account, the IWRB authorizes spending those funds allocated for the Anderson Ranch Dam Raise for activities required to advance the project to construction. These activities include but are not limited to final design, contracting, and financial planning.
DATED this 19th day of March, 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST
JO ANN COLE-HANSEN, Secretary
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF PICABO LIVESTOCK COMPANY FUNDING REQUEST

RESOLUTION TO AUTHORIZE FUNDING FOR NEW WELL AND ELECTRICAL UPGRADE

WHEREAS, Picabo Livestock Company (Company) submitted a loan application to the Idaho Water Resource Board (IWRB) in the amount of $95,000.00 for the drilling of an alternate, back-up well and accompanying electrical upgrades, for the system currently supplying water to the residents of the unincorporated community of Picabo (Project); and

WHEREAS, the Company owns, operates, and maintains the Picabo Water System (System) which conveys potable water to the residents in Picabo, Blaine County, for domestic and commercial use to the 200 residences in the community; and

WHEREAS, the system operates under regulation by the Idaho Public Utilities Commission (PUC), and Idaho Department of Environmental Quality (DEQ); and

WHEREAS, the System is required by DEQ to maintain an alternate well to supply the System. The current alternate well is located on a private lot, the owners of which intend to sell and abandon the existing well; and

WHEREAS, the alternate well, as by requirement of the local fire authority, also serves to meet adequate fire flows in time of need; and

WHEREAS, the proposed drilling of a new well will benefit the residents of the community of Picabo by providing a long-term, reliable domestic water supply system that will comply with state and local rules; and

WHEREAS, the total estimated cost for the Project is $95,000; and

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

WHEREAS, the proposed Project is in the public interest and is in compliance with the State Water Plan; and

NOW THEREFORE BE IT RESOLVED that the IWRB approves a loan not to exceed $95,000 from the Revolving Development Account at 3.5% interest with a 20-year repayment term and provides authority to the Chairman of the Idaho Water Resource Board, or his designee, to enter into contracts with the Company on behalf of the IWRB.

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

Resolution No. 08-2021
1) The Company shall comply with all applicable rules and regulations that apply to the proposed Project.

2) The Company will provide acceptable security for the loan to the IWRB including, but not limited to, the Company's water rights associated with the System and, all facilities and equipment associated with the Project.

3) The Company shall obtain approval from the PUC for an increase in the monthly user rates prior to the disbursement of funds.

DATED this 19th day of March, 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST

JO ANN COLE-HANSEN, Secretary
WHEREAS, steelhead, bull trout, and Chinook salmon habitat in Panther Creek is limited by low flow in the upper reaches of Panther Creek; and

WHEREAS, Panther Creek provides steelhead, bull trout, and Chinook salmon habitat and the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for improving fish habitat which includes improving or protecting flow conditions to augment stream flows; and

WHEREAS, it is in the interest of the State of Idaho to increase flow in Panther Creek to encourage recovery of ESA-listed steelhead, bull trout, and Chinook salmon; and

WHEREAS, Water Right No. 75-14927 has been historically diverted from Panther Creek for irrigation purposes; and

WHEREAS, the Idaho Water Resource Board (IWRB), pursuant to Section 42-1734, Idaho Code, has the authority to acquire, purchase, lease, or exchange land, rights, water rights, easements, franchises, and other property deemed necessary or proper for the construction, operation, and maintenance of water projects; and

WHEREAS, the Water Right owner desires to sell to IWRB all their legal interests in Water Right No. 75-14927 appurtenant to 52 acres, so that the water may remain in Panther Creek to enhance fish habitat; and

WHEREAS, upon acquisition, Water Right No. 75-14927 may be rented out through the Idaho Water Supply Bank for permanent delivery to Minimum Stream Flow Water Right No. 75-14188 on Panther Creek;

WHEREAS, funds are available from Columbia Basin Water Transaction Program Fund for purchase of the water right; and

WHEREAS, the Panther Creek transaction is in the public interest and is consistent with the State Water Plan; and

NOW THEREFORE BE IT RESOLVED that the IWRB hereby agrees to purchase the assignment of Water Right 75-14927 for seventy-five thousand dollars ($75,000) contingent upon
the IWRB and the Water Right Owner executing a written agreement governing the rights and responsibilities of the parties resulting from the assignment of the water right; and

NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes the Chairman, or his assigns, to pay a one-time permanent rental fee of three-hundred sixty four dollars ($364.00) to the Idaho Water Supply Bank; and

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that the IWRB receives the requested funding from the Bonneville Power Administration through the Columbia Basin Water Transaction Program in the amount of seventy five thousand, three hundred sixty-four dollars ($75,364.00).

DATED this 19th day of March, 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST
Jo Ann Cole-Hansen, Secretary
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE 2021-2024
MORGAN CREEK WATER TRANSACTION
CONTRACTS

RESOLUTION TO MAKE A FUNDING
COMMITMENT

WHEREAS, steelhead, bull trout, and juvenile Chinook salmon habitat in Morgan Creek is limited by low flow in the lower reaches of Morgan Creek; and

WHEREAS, Morgan Creek provides steelhead, bull trout, and juvenile Chinook salmon habitat and the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for improving fish habitat which includes improving or protecting flow conditions to augment stream flows; and

WHEREAS, it is in the interest of the State of Idaho to reconnect Morgan Creek to encourage recovery of ESA-listed steelhead, bull trout, and Chinook salmon; and

WHEREAS, Idaho Department of Water Resources staff has developed a series of agreements not to divert water from Morgan Creek at the SMC-2/4 and SMC-1 diversions to improve stream flow for anadromous and resident fish; and

WHEREAS, staff is negotiating four-year agreements with the Morgan Creek water users not to divert water at the SMC2/4 and SMC 1 diversions; and

WHEREAS, a proposal for $53,616.00 will be submitted to the Columbia Basin Water Transactions Program to be used to fund said agreements; and

WHEREAS, instead of diverting from Morgan Creek, the water users have agreed to pump from Salmon River sources that are not flow-limited and the funds paid under these agreements will offset the power expenses incurred by pumping from existing points of diversion; and

WHEREAS, the Morgan Creek transactions are in the public interest and in compliance with the State Water Plan; and

NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into contracts with Ronald Jones and Donna Hughes, or their successors, for agreements not to divert out of Morgan Creek in an amount not to exceed fifty-three thousand, six hundred sixteen dollars ($53,616.00); and

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that the IWRB receives the requested funding from the Bonneville Power Administration through

Resolution No. 10-2021
the Columbia Basin Water Transaction Program in the amount of fifty-three thousand, six hundred sixteen dollars ($53,616.00).

DATED this 19th day of March, 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST
JO ANN COLE-HANSEN, Secretary
WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Lemhi River Basin is limited by low flow in the Lower Lemhi River; and

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

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

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

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

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

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

WHEREAS, Board staff has developed an additional one-year subordination agreement, also known as the Lemhi Subordination Agreements, with a local water user to improve stream flow for anadromous and resident fish; and

WHEREAS, the water user has agreed to limit up to three (3) cfs of his diversion during times of low flow; and

WHEREAS, the water user will continue to irrigate his full place of use when flows exceed the flow targets; and

Resolution No. 11-2021
WHEREAS, the Lemhi Subordination Agreement is in the public interest and in compliance with the State Water Plan; and

WHEREAS, funding is available through the Idaho MOA/Fish Accord Water Transaction Program to fund the cost of said agreements in 2021; and

NOW THEREFORE BE IT RESOLVED that the Board authorizes the Chairman to enter into agreements for 2021 with a lower Lemhi River irrigator to not divert up to three (3) cfs out of the Lemhi River, for an amount not to exceed twenty-seven thousand dollars ($27,000); and

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that the Board receives the requested funding from the Bonneville Power Administration through the Idaho MOA/Fish Accord Water Transaction Program in an amount up to twenty-seven thousand dollars ($27,000).

DATED this 19th day of March, 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST
JO ANN COLE-HANSEN, Secretary