

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE FINANCE COMMITTEE'S
RECOMMENDATIONS FOR ALLOCATION OF
FUNDS CONTEMPLATED IN SENATE BILL 1121

RESOLUTION TO ALLOCATE FUNDS
CONTEMPLATED IN SENATE BILL 1121 AND
FUNDS IN THE WATER MANAGEMENT
ACCOUNT

1 WHEREAS, The Water Management Account is created pursuant to Idaho Code 42-1760 and is
2 administered by the Idaho Water Resource Board (IWRB) for certain purposes; and
3

4 WHEREAS, through House Bill 285 the 2019 Legislature appropriated \$20 million to the Water
5 Management Account to be used for the Anderson Ranch Reservoir Enlargement or the Mountain Home
6 Air Force Base Sustainable Water Project ; and
7

8 WHEREAS, House Bill 286 which is currently pending before the Legislature would make
9 amendments to Idaho Code 42-1760, including but not limited to, stating that the Anderson Ranch
10 Reservoir Enlargement, the Mountain Home Air Force Base Sustainable Water project, additional aquifer
11 recharge infrastructure, and other projects selected by the IWRB may be undertaken with funds in the
12 Water Management Account; and
13

14 WHEREAS, Senate Bill 1121 which is currently pending before the Legislature would appropriate
15 an additional \$50 million to the Water Management Account; and
16

17 WHEREAS On February 25, 2021, the IWRB Finance Committee met by videoconference and
18 recommended the funds in the Water Management Account provided by House Bill 285 and those funds
19 anticipated through Senate Bill 1121 be allocated as follows:
20

- | | |
|---|---------|
| 21 • Anderson Ranch Dam Raise Interim Funding | \$17.6M |
| 22 • Mountain Home Air Force Base Sustainable Water Project | \$28.0M |
| 23 • Eastern Snake Plain Aquifer Recharge Infrastructure | \$22.4M |
| 24 • Bear Lake Additional Water Storage | \$2.0M |
- 25
26

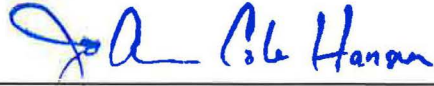
27 NOW, THEREFORE BE IT RESOLVED that the IWRB allocates the funds in the Water Management
28 Account provided by House Bill 285 and those funds anticipated through Senate Bill 1121 per the Finance
29 Committee's recommendation.
30

31 NOW, THEREFORE BE IT FURTHER RESOLVED that, to meet Federal project funding and
32 authorization deadlines set forth in the Water Infrastructure Improvements for the Nation Act, once the
33 anticipated funds are transferred to the Water Management Account, the IWRB authorizes spending
34 those funds allocated for the Anderson Ranch Dam Raise for activities required to advance the project to
35 construction. These activities include but are not limited to final design, contracting, and financial
36 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**

1 WHEREAS, Picabo Livestock Company (Company) submitted a loan application to the Idaho
2 Water Resource Board (IWRB) in the amount of \$95,000.00 for the drilling of an alternate, back-up well
3 and accompanying electrical upgrades, for the system currently supplying water to the residents of the
4 unincorporated community of Picabo (Project); and
5

6 WHEREAS, the Company owns, operates, and maintains the Picabo Water System (System)
7 which conveys potable water to the residents in Picabo, Blaine County, for domestic and commercial use
8 to the 200 residences in the community; and
9

10 WHEREAS, the system operates under regulation by the Idaho Public Utilities Commission (PUC),
11 and Idaho Department of Environmental Quality (DEQ); and
12

13 WHEREAS, the System is required by DEQ to maintain an alternate well to supply the System.
14 The current alternate well is located on a private lot, the owners of which intend to sell and abandon the
15 existing well; and
16

17 WHEREAS, the alternate well, as by requirement of the local fire authority, also serves to meet
18 adequate fire flows in time of need; and
19

20 WHEREAS, the proposed drilling of a new well will benefit the residents of the community of
21 Picabo by providing a long-term, reliable domestic water supply system that will comply with state and
22 local rules; and
23

24 WHEREAS, the total estimated cost for the Project is \$95,000; and
25

26 WHEREAS, the Company is a qualified applicant and the proposed Project qualifies for a loan
27 from the IWRB'S Revolving Development Account; and
28

29 WHEREAS, the proposed Project is in the public interest and is in compliance with the State
30 Water Plan; and
31

32 NOW THEREFORE BE IT RESOLVED that the IWRB approves a loan not to exceed \$95,000 from
33 the Revolving Development Account at 3.5% interest with a 20-year repayment term and provides
34 authority to the Chairman of the Idaho Water Resource Board, or his designee, to enter into contracts
35 with the Company on behalf of the IWRB.
36

37 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution and the approval of the loan are
38 subject to the following conditions:
39

- 40 1) The Company shall comply with all applicable rules and regulations that apply to the
41 proposed Project.
42 2) The Company will provide acceptable security for the loan to the IWRB including, but not
43 limited to, the Company's water rights associated with the System and, all facilities and
44 equipment associated with the Project.
45 3) The Company shall obtain approval from the PUC for an increase in the monthly user rates
46 prior to the disbursement of funds.
47

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 BOARD PURCHASE
OF WATER RIGHT NO. 75-14927 FROM
WESTERN RIVERS CONSERVANCY

RESOLUTION TO MAKE A FUNDING
COMMITMENT

1 WHEREAS, steelhead, bull trout, and Chinook salmon habitat in Panther Creek is limited
2 by low flow in the upper reaches of Panther Creek; and
3

4 WHEREAS, Panther Creek provides steelhead, bull trout, and Chinook salmon habitat and
5 the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing
6 incentives for improving fish habitat which includes improving or protecting flow conditions to
7 augment stream flows; and
8

9 WHEREAS, it is in the interest of the State of Idaho to increase flow in Panther Creek to
10 encourage recovery of ESA-listed steelhead, bull trout, and Chinook salmon; and
11

12 WHEREAS, Water Right No. 75-14927 has been historically diverted from Panther Creek
13 for irrigation purposes; and
14

15 WHEREAS, the Idaho Water Resource Board (IWRB), pursuant to Section 42-1734, Idaho
16 Code, has the authority to acquire, purchase, lease, or exchange land, rights, water rights,
17 easements, franchises, and other property deemed necessary or proper for the construction,
18 operation, and maintenance of water projects; and
19

20 WHEREAS, the Water Right owner desires to sell to IWRB all their legal interests in Water
21 Right No. 75-14927 appurtenant to 52 acres, so that the water may remain in Panther Creek to
22 enhance fish habitat; and
23

24 WHEREAS, upon acquisition, Water Right No. 75-14927 may be rented out through the
25 Idaho Water Supply Bank for permanent delivery to Minimum Stream Flow Water Right No. 75-
26 14188 on Panther Creek;
27

28 WHEREAS, funds are available from Columbia Basin Water Transaction Program Fund for
29 purchase of the water right; and
30

31 WHEREAS, the Panther Creek transaction is in the public interest and is consistent with
32 the State Water Plan; and
33

34 NOW THEREFORE BE IT RESOLVED that the IWRB hereby agrees to purchase the
35 assignment of Water Right 75-14927 for seventy-five thousand dollars (\$75,000) contingent upon

36 the IWRB and the Water Right Owner executing a written agreement governing the rights and
37 responsibilities of the parties resulting from the assignment of the water right; and
38

39 NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes the Chairman, or
40 his assigns, to pay a one-time permanent rental fee of three-hundred sixty four dollars (\$364.00)
41 to the Idaho Water Supply Bank; and
42

43 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition
44 that the IWRB receives the requested funding from the Bonneville Power Administration through
45 the Columbia Basin Water Transaction Program in the amount of seventy five thousand, three
46 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

1 WHEREAS, steelhead, bull trout, and juvenile Chinook salmon habitat in Morgan Creek is
2 limited by low flow in the lower reaches of Morgan Creek; and
3

4 WHEREAS, Morgan Creek provides steelhead, bull trout, and juvenile Chinook salmon
5 habitat and the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to
6 providing incentives for improving fish habitat which includes improving or protecting flow
7 conditions to augment stream flows; and
8

9 WHEREAS, it is in the interest of the State of Idaho to reconnect Morgan Creek to
10 encourage recovery of ESA-listed steelhead, bull trout, and Chinook salmon; and
11

12 WHEREAS, Idaho Department of Water Resources staff has developed a series of
13 agreements not to divert water from Morgan Creek at the SMC-2/4 and SMC-1 diversions to
14 improve stream flow for anadromous and resident fish; and
15

16 WHEREAS, staff is negotiating four-year agreements with the Morgan Creek water users
17 not to divert water at the SMC2/4 and SMC 1 diversions; and
18

19 WHEREAS, a proposal for \$53,616.00 will be submitted to the Columbia Basin Water
20 Transactions Program to be used to fund said agreements; and
21

22 WHEREAS, instead of diverting from Morgan Creek, the water users have agreed to pump
23 from Salmon River sources that are not flow-limited and the funds paid under these agreements
24 will offset the power expenses incurred by pumping from existing points of diversion; and
25

26 WHEREAS, the Morgan Creek transactions are in the public interest and in compliance
27 with the State Water Plan; and
28

29 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into
30 contracts with Ronald Jones and Donna Hughes, or their successors, for agreements not to divert
31 out of Morgan Creek in an amount not to exceed fifty-three thousand, six hundred sixteen dollars
32 (\$53,616.00); and
33

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

36 the Columbia Basin Water Transaction Program in the amount of fifty-three thousand, six
37 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

BEFORE THE IDAHO WATER RESOURCE BOARD

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

RESOLUTION TO MAKE A FUNDING
COMMITMENT

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

3
4 WHEREAS, it is in the interest of the State of Idaho to permanently reconnect the Lower
5 Lemhi River to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout; and

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

10
11 WHEREAS, the Lemhi Framework carries forward target goals which were included in
12 earlier conservation agreements developed and approved by local water users, and state and
13 federal agencies; and

14
15 WHEREAS, through enacting Idaho Code 42-1506 and 42-1765A, the Idaho Legislature
16 directed the Idaho Water Resource Board (Board) to establish a minimum streamflow water right
17 of 35 cfs in the Lower Lemhi River to be met through water right rentals or other appropriate
18 methods under state law; and WHEREAS, the Board has the authority to enter into agreements
19 to improve flow for anadromous and resident fish; and

20
21 WHEREAS, the Board is authorized to expend Bonneville Power Administration funds for
22 flow restoration through the Columbia Basin Water Transaction Program and the Bonneville Fish
23 Accord Water Transaction Fund; and

24
25 WHEREAS, the Board promotes water transactions that maintain the local agricultural
26 economy by retaining irrigated agriculture; and

27
28 WHEREAS, Board staff has developed an additional one-year subordination agreement,
29 also known as the Lemhi Subordination Agreements, with a local water user to improve stream
30 flow for anadromous and resident fish; and

31
32 WHEREAS, the water user has agreed to limit up to three (3) cfs of his diversion during
33 times of low flow; and

34
35 WHEREAS, the water user will continue to irrigate his full place of use when flows exceed
36 the flow targets; and

37
38 WHEREAS, the Lemhi Subordination Agreement is in the public interest and in compliance
39 with the State Water Plan; and
40

41 WHEREAS, funding is available through the Idaho MOA/Fish Accord Water Transaction
42 Program to fund the cost of said agreements in 2021; and
43

44 NOW THEREFORE BE IT RESOLVED that the Board authorizes the Chairman to enter into
45 an agreements for 2021 with a lower Lemhi River irrigator to not divert up to three (3) cfs out of
46 the Lemhi River, for an amount not to exceed twenty-seven thousand dollars (\$27,000); and
47

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

DATED this 19th day of March, 2021.



JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST 

JO ANN COLE-HANSEN, Secretary