

IDAHO WATER RESOURCE BOARD

MEETING NO. 8-21



May 20-21, 2021
Idaho Water Center
322 E. Front Street
Conf. Rooms 602 B, C & D/ Online
BOISE



Diversion dam. Photo provided by Boise Project Board of Control.

Media



Amended AGENDA

IDAHO WATER RESOURCE BOARD

Brad Little
Governor

Jeff Raybould
Chairman
St. Anthony
At Large

Roger W. Chase
Vice-Chairman
Pocatello
District 4

Jo Ann Cole-Hansen
Secretary
Lewiston
At Large

Dale Van Stone
Hope
District 1

Albert Barker
Boise
District 2

Dean Stevenson
Paul
District 3

Peter Van Der Meulen
Hailey
At Large

Brian Olmstead
Twin Falls
At Large

Board Meeting No. 8-21

Friday, May 21, 2021

8:30 a.m. (MST)

Water Center

Conference Rooms 602 B, C & D / Zoom Online

322 E. Front St.

BOISE

(This meeting will be conducted using guidance in response to the public health emergency caused by the COVID-19 pandemic. Masks are required & in person attendance is limited. Call or email if you have questions: jennifer.strange@idwr.idaho.gov)

Board Members & the Public may participate via Zoom

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

Dial in Option: 1(253) 215-8782

Meeting ID: 970 0863 970 0863 4658 4658 Passcode: 978196

1. Roll Call
2. Agenda & Approval of Minutes 5-21, 6-21 and 7-21*
3. Public Comment
4. Lemhi Basin Settlement Working Group Update
5. Anderson Ranch Dam Raise*
6. Presentation by Elmore County
7. Financial Report
8. Secondary Aquifer Planning Management & Implementation Fund Budget*
9. Point Springs Grazing Association Loan*
10. Sawtooth Valley Water Rights Rental*
11. WD01 Rental Pool Procedures*
12. Priest Lake Water Management Project Update
13. Bear Lake Economic Value Study*
14. Potential Legislation of Interest
15. Administrative Rules*
16. Swan Falls/Snake River at Murphy Gage Flow Update
17. Director's Report
18. Non-Action Items for Discussion
19. Executive Session: Board will meet 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: Lemhi Settlement. There are no actions during executive session.
20. Next Meeting & Adjourn

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



IDAHO WATER RESOURCE BOARD

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

MINUTES MEETING NO. 5-21

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

March 18, 2021
Work Session

Chairman Raybould called the work session meeting to order at 10:55 a.m. Board members present were Al Barker, Jo Ann Cole-Hansen, Jeff Raybould, and Dale Van Stone; online were, Roger Chase and Pete Van Der Meulen. IDWR staff members present were: Brian Patton, Gary Spackman, Cynthia Bridge Clark, Wesley Hipke, John Loffredo, and Jennifer Strange; and online were Sean Vincent, Kala Golden, Alex Moody, Amy Cassel, Craig Tesch, David Hoekema, Gus Womeldorph, Kara Ferguson, Ethan Geisler, Mat Weaver, Matt Anders, Meghan Carter, Neeley Miller, Angie Grimm, Noah Stewart-Maddox, Steve Stuebner, Garrick Baxter, and Emily Skoro. Guests present online were: Congressman Mike Simpson, Brennan (Assistant to M.S.), Norm Semanko, John Roldan, Michael Gibson, Barney Metz, Brian Liming, Braden Jensen, Bryan Horsburgh, Chris Keith, Clive Strong, Corey Loveland, Craig Quarterman, David Cottle, Darrell Early, Ann Vonde, John Simpson, Lynn Tominaga, Kresta Davis, Frank Gariglio, Jaime Campbell, Justin Hayes, Kyle Radek, Lanie Paquin, Marie Kellner, Michael Orr, Neil Crescenti, James Whittaker, Robin Lee-Beusan, Scott Pugrud, Shaun Parkinson, Tom Bassista, Mitch Cutler, Garret Visser, Brandon McLean, Claudia Cottle, Jamie Morin, and Dan Stanaway.

During the Work Session the following items were discussed:

- Congressman Mike Simpson spoke on his Salmon and Energy Concepts.
- Mr. Clive Strong and Mr. Norm Semanko discussed the latest updates for the Lemhi Basin Settlement Working Group.
- Ms. Bridge Clark presented updates on the Boise River Feasibility Study/Anderson Ranch Dam Raise project. Ms. Lanie Paquin of the Bureau of Reclamation discussed the project as well.
- Ms. Amy Cassel presented three Upper Salmon Water Transactions on Panther Creek, Morgan Creek and the Upper Lemhi.

- Mr. David Hoekema gave the latest information for the water supply outlook for the state.
- Ms. Kala Golden presented information pertaining to a loan for the Picabo Livestock Company. There was some discussion about the Board's interest rate.
- Mr. Wes Hipke gave the most recent information on the ESPA Managed Recharge efforts.
- There were no non-action items for discussion.

At the end of the work session, the Board moved into Executive Session. 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. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. Topics discussed pursuant to Idaho Code §74-206(1) subsection (f) were: Idaho Code §42-1737 by Ann Vonde and Lemhi by Michael Orr. Executive session was closed to the public. Mr. Barker recused himself from the session for the Idaho Code §42-1737 discussion.

At 2:53 p.m. Ms. Cole-Hansen moved to resolve out of executive session. Mr. Van Stone seconded. Voice vote. All ayes. No action was taken during the executive session.

Chairman Raybould moved to adjourn. Voice vote. All ayes. The meeting adjourned at 2:54 p.m.

March 19, 2021
Board Meeting No. 5-21

At 8:30 a.m. Chairman Raybould called the meeting to order. All members were present.

Agenda Item No. 1: Roll Call

Board Members Present

Jo Ann Cole-Hansen, Secretary
Albert Barker
Dale Van Stone

Board Members Present Online

Jeff Raybould, Chairman
Roger Chase, Vice-Chairman
Pete Van Der Meulen

Staff Members Present

Gary Spackman, Director
Cynthia Bridge Clark, Water Projects Manager
John Loffredo
Shelley Keen

Brian Patton, Executive Officer
Jennifer Strange, Admin. Assist.
Tim Luke

Staff Members Present Online

Neeley Miller
Kala Golden
Wesley Hipke
Amy Cassel

Emily Skoro
Meghan Carter
Remington Buyer
Steve Stuebner

Guests Present Online

John Williams
James Whittaker
Ann Vonde
Paul Arrington

Patrick Purdy
Frank Gariglio
Pat McMahon
Barney Metz

Robin Nimmer
Paul Kimmell
Kyle Radek
Lynn Tominaga
Michael Lawrence
Norm Semanko
John Simpson

Scott Pugrud
Brian Liming
John Roldan
TJ Budge
Korey Woodley
Sharon Lee
Tom Bassista

Agenda Item No. 2: Agenda and Approval of Minutes 1-21, 2-21, 3-21, and 4-21

Chairman Raybould asked if there were any amendments to the agenda. There were none. Mr. Van Stone moved to adopt the minutes for board meetings 1-21, 2-21, 3-21, and 4-21. Mr. Barker seconded. Voice vote. All ayes. The motion carried.

Agenda Item No. 3: Public Comment

Chairman Raybould asked if there were any public comments. Mr. John Williams from Bonneville Power Administration had several updates for the Board which included the FY20 financial performance; Columbia River system operations EIS; hydro facilities and lower Snake River dams; and current events for BPA.

Agenda Item No. 4: Financial Report

Mr. Miller provided an updated financial report on the Board's accounts. As of January 31, 2021 the Board's available and committed balances were as follows: Secondary Aquifer Fund—committed but not disbursed \$20,447,615 and uncommitted \$4,569,397; Revolving Development—committed but not disbursed \$21,791,887, loan principle outstanding \$21,704,464, uncommitted \$10,112,821, and anticipated loanable funds available next 1 year \$13,612,824; Water Management—committed but not disbursed \$21,720,007 and uncommitted \$267,733.

Mr. Patton stated that Senate Bill 1190 had passed JFAC and key components for IDWR were two staffing positions to assist in the Bear River Adjudication and one position for a Water Projects Manager in the Planning and Projects Bureau.

Agenda Item No. 5: Idaho Code §42-1737

Ms. Ann Vonde asked the board about approving its own projects and whether conditions for board rights should be made in regards to IC §42-1737. There was some discussion. A motion was made to proceed with the permitting process for water right applications.

Mr. Chase moved to advise legal counsel to proceed with the permitting process for board-held water right permit applications. Ms. Cole-Hansen seconded. Mr. Barker abstained from voting. Voice vote. All ayes. One abstain. The motion carried.

Agenda Item No. 6: Amendments to Idaho Code §42-1760

Mr. Patton discussed House Bill 267 which would amend Idaho Code §42-1760. It would revise provisions regarding the Water Management Account. Amendments included (1) replacing the list of potential projects with authority for projects which "conserve or increase water supply, improve drought resiliency, and address water sustainability or support flood management;" (2) including aquifer recharge above Milner Dam on the list of specific projects for consideration; (3) confirming that all water rights, including hydropower water rights, must be protected, and that identified water uses must be considered in the approval of projects; and (4) providing additional information as part of the board's annual report. It had passed in the House and was on its way to the Senate.

Agenda Item No. 7: Senate Bill 1121 Priorities

Mr. Patton presented information on Senate Bill 1121. There was some discussion among board members. Appropriation priorities for the bill were considered and recommended on February 25, 2021 at the IWRB Finance Committee meeting.

A resolution was presented that would allocate funds that were contemplated in Senate Bill 1121 and funds in the Water Management Account; 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; and Bear Lake Additional Water Storage, \$2.0M.

Mr. Van Stone moved to adopt the resolution. Ms. Cole-Hansen seconded. Roll call vote. Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. All ayes. The motion was adopted.

Agenda Item No. 8: House Bill 266

Mr. Patton provided an update on House Bill 266. It had passed in the House, passed in the Senate Resources Committee, and was headed to the Senate floor. Mr. Chase asked if there had been any opposition to the bill; there had been none amongst the legislators on the committees. A request to have a Cloud Seeding Benefit Analysis Update at the May meeting was made.

Agenda Item No. 9: Picabo Livestock Company Loan

Ms. Kala Golden discussed a resolution to approve a loan for the Picabo Livestock Company. There was some discussion about the interest rate. Mr. Patrick Purdy from the company was on the videoconference and agreed with the Board's standard 3.5% interest rate.

Mr. Van Stone moved to adopt the resolution approving a loan not to exceed \$95,000 at 3.5% interest rate. Ms. Cole-Hansen seconded. Roll call vote. Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Van Der Meulen, abstain; Mr. Van Stone, aye; and Chairman Raybould, aye. 5 ayes. The motion was adopted.

Agenda Item No. 10: Palouse Basin Aquifer Committee Update

Paul Kimmell, Korey Woodley, and Robin Nimmer represented the Palouse Basin Aquifer Committee. Mr. Kimmell discussed recent efforts towards developing a long term sustainable water supply. He provided a PBAC Water Supply Alternatives Outreach Plan Final Report. Ms. Cole-Hansen stated she was pleased with the progress of the committee.

Agenda Item No. 11: Upper Salmon Water Transactions

Ms. Amy Cassel had three resolutions that had been discussed in the Work Session.

The Panther Creek transaction is a resolution to purchase the assignment of Water Right 75-14927 for \$75,000 and to pay a one-time permanent rental fee of \$364 to the Idaho Water Supply Bank. Mr. Van Stone moved to adopt the resolution. Ms. Cole-Hansen seconded. Roll call vote. Mr. Barker, aye; Mr. Chase, abstain; Ms. Cole-Hansen, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. 5 ayes. The motion was adopted.

The Morgan Creek transactions provide for contract agreements not to divert out of Morgan Creek. Funding will come from the CBWTP in an amount not to exceed \$53, 616. 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. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. All ayes. The motion was adopted.

The Lower Lemhi agreement authorizes the Chair to enter into agreements for 2021 with a lower Lemhi River irrigator to not divert up to 3 cfs out of the Lemhi River, for an amount not to exceed \$27,000 which is subject to funding from the BPA Idaho MOA/Fish Accord Water Transaction Program. Mr. Chase moved to adopt the resolution. Mr. Van Der Meulen seconded. Roll call vote. Mr. Barker, aye; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, aye; and Chairman Raybould, aye. All ayes. The motion was adopted.

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

Mr. Miller discussed the Priest Lake Water Management Study. Mr. Van Stone asked if Strider was still on site; they were. More information from Mott MacDonald was needed on how to wrap up the project. They were working on change orders. A technical evaluation would be needed to determine the costs of finishing phase 2. The breakwater portion was complete and a walk-through was planned for April 2021.

Agenda Item No. 13: Potential Legislation of Interest

Mr. Garrick Baxter discussed several pieces of legislation related to water issues.

Agenda Item No. 14: Administrative Rules Update

Mr. Mathew Weaver discussed a memo regarding “Rules of Procedure of the Idaho Department of Water Resources, IDAPA 37.01.01 with Retrospective Analysis and Recommendations.”

Agenda Item No. 15: Wood River Groundwater Management Advisory Committee Update

Mr. Shelley Keen presented on the Wood River Groundwater Management Advisory Committee. The committee was tasked with developing and proposing a ground water management plan for approval by the director pursuant to IC §42-233a. The approval of a ground water management plan has the potential to replace deliver call litigation, to avoid the harsh outcomes of litigation, including possible curtailment of junior priority water rights, and to avoid the associated costs of such litigation.

Agenda Item No. 16: Director’s Report

Director Spackman discussed the Big Wood, Bear River Adjudication, and adjudication options in other basins. Mr. Van Stone asked if funding had already been appropriated for Basins 96 & 97. It had been.

Agenda Item No. 17: Non-Action Items for Discussion

Mr. Van Stone requested without objection that the July meeting dates be switched from July 29-30, 2021 to July 22-23, 2021. No other items were discussed.

Agenda Item No. 18: Next Meeting and Adjourn

Mr. Patton stated the next scheduled meetings were May 20-21, 2021 in Boise and via an online platform. Mr. Van Stone moved to adjourn. Mr. Chase seconded. Voice vote. All ayes. Motion carried. Meeting adjourned at 11:40 a.m.

Respectfully submitted this 21st day of May, 2021.

Jo Ann Cole-Hansen, *Secretary*

Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Meeting minutes 1-21, 2-21, 3-21, and 4-21 were adopted.
2. A motion to advise legal counsel to proceed with the permitting process for board-held water right permit applications.
3. Adopted a resolution to allocate funds that were contemplated in Senate Bill 1121 and funds in the Water Management Account.
4. Adopted a resolution to approve a loan not to exceed \$95,000 at 3.5% interest rate to the Picabo Livestock Company.
5. Adopted a resolution to make a funding commitment on Panther Creek.
6. Adopted a resolution to make a funding commitment on Morgan Creek.
7. Adopted a resolution to make a funding commitment on the lower Lemhi River.



IDAHO WATER RESOURCE BOARD

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

MINUTES MEETING NO. 6-21

Idaho Water Center
Conference Rooms 602 C & D / Online Zoom Meeting
322 East Front Street, 6th Floor
BOISE

April 26, 2021

At 10:00 a.m. Chairman Raybould called the meeting to order.

Agenda Item No. 1: Roll Call

Board Members Present Via Zoom Online

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

Staff Members Present

Brian Patton, Executive Officer
Gary Spackman, Director
Wesley Hipke, Programs Manager
Jennifer Strange, Admin. Assistant

Staff Members Present via Zoom Online

Cynthia Bridge Clark, Water Projects Section Manager
Neeley Miller, Senior Planner
Kala Golden
Steve Stuebner

Staff Members Present via Zoom Online

Tom Bassista	Ann Vonde
Darrell Early	Chris Bromley
John Simpson	Marie Kellner
Michael Lawrence	Scott Pugrud
Heather O'Leary	Kresta Davis

Agenda Item No. 2: Flood Management Grant Criteria

Mr. Miller provided a brief recap of the Flood Management Grant Program. Before the Board was a resolution to adopt the 2021 grant criteria. The proposed criteria established an application due date of Friday, June 18, 2021.

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

Agenda Item No. 3: Executive Session

There was an executive session to discuss the topics of Water Right Applications 37-23110 & 37-23111 and Water Right Applications 01-10613, 21-7577, 21-7578, 21-7580, & 21-13160 by Deputy Attorney General Ann Vonde. Ms. Cole-Hansen moved to resolve into executive session pursuant to Idaho Code §74-206(1) subsection (f). Mr. Stevenson seconded. Roll call vote: Mr. Barker, absent; Mr. Chase, aye; Ms. Cole-Hansen, aye; Mr. Olmstead, aye; Mr. Stevenson, aye; Mr. Van Der Meulen, aye; Mr. Van Stone, absent; and Chairman Raybould, aye. 6 ayes. The motion passed. Closed to the public. Mr. Olmstead recused himself from the second topic during executive session.

Ms. Cole-Hansen moved to resolve out of executive session. Mr. Van Der Meulen seconded. Voice vote: all ayes. No action was taken by the board during the executive session. The Board moved back into open session at 11:30 a.m.

Agenda Item No. 4: Water Right Applications 37-23110 & 37-23111

Ms. Vonde discussed proposed conditions for water right applications 37-23110 and 37-23111. The proposed conditions for 37-23110 were “during the period from April 1st to June 15th water may only be diverted under this right when the flow on the Little Wood River, as measured at gage number 10 Little Wood River near Richfield, reaches or exceeds 350 cfs. And also, during the period from June 16th to March 31st, water may only be diverted under this right when the flow on the Little Wood River, as measured at gage number 10 Little Wood River near Richfield, reaches or exceeds 80 cfs.

Ms. Cole-Hansen moved to accept the base flow and flushing flow conditions on the Little Wood application that Ms. Vonde provided. Mr. Chase seconded. Voice vote: all ayes. The motion passed.

Ms. Vonde discussed a second set of conditions for both water right applications. The proposed conditions were “this water right is subordinate to all water rights established pursuant to Idaho law. And in times of shortage, this water right shall not be administered as senior to any existing or future ground or surface water rights with points of diversion upstream of Magic Reservoir.”

Mr. Chase moved to reject the conditions listed. Ms. Cole-Hansen seconded. Voice vote: all ayes. The motion passed.

Agenda Item No. 5: Water Right Applications 01-10613, 21-7577, 21-7578, 21-7580 & 21-13160

Ms. Vonde asked for direction on recharge water right applications 01-10613, 21-7577, 21-7578, 21-7580, and 21-13160. Chairman Raybould recommended that she continue to negotiate on these rights along the lines of the legal recommendation that was made during executive session.

Agenda Item No. 6: Non-Action Items for Discussion

No other items were discussed.

Agenda Item No. 7: Next Meeting and Adjourn

The next regular meetings were confirmed for May 20-21, 2021 in Boise with a field trip planned for the 20th. Also mentioned were a Finance Committee meeting for May 10th and a Water Storage Committee meeting for May 12th. Mr. Stevenson moved to adjourn and Chairman Raybould seconded. Voice vote: all ayes. The meeting adjourned at 11:38 a.m.

Respectfully submitted this 21st day of May, 2021.

Jo Ann Cole-Hansen, *Secretary*

Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Adopt a resolution to adopt Flood Management Grant criteria.
2. A motion to accept base flow and flushing flow conditions on water right application 37-23110.
3. A motion to reject conditions suggested on both water right applications 37-23110 and 37-23111.



IDAHO WATER RESOURCE BOARD

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

MINUTES MEETING NO. 7-21

Idaho Water Center
Conference Rooms 602 C & D / Online Zoom Meeting
322 East Front Street, 6th Floor
BOISE

Friday, May 7, 2021

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

Agenda Item No. 1: Roll Call

Board Members Present Via Zoom Online

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

Staff Members Present

Brian Patton, Executive Officer
Jennifer Strange, Admin. Assistant

Staff Members Present via Zoom Online

Cynthia Bridge Clark, Water Projects Section Manager
Randy Broesch
Neeley Miller
Megan Carter

Guests Present Via Zoom Online

Sam Eaton, Governor's Office
Robin Lee-Beusan
Lynn Tominaga
Kresta Davis
Scott Pugrud
John Roldan

Agenda Item No. 2: MHAFB Sustainable Water Project

Mr. Patton introduced Mr. Sam Eaton of the Governor's Office. Mr. Eaton discussed the basics of the Memorandum of Understanding for a potential water resilience project in the Mountain Home Plateau region between Governor Little; the Idaho Water Resource Board; the 366th Fighter Wing, Mountain Home Air Force Base; and the Department of the Air Force through Acting Assistant Secretary of the Air Force for Energy, Installations, and Environment. Mr. Patton followed up with a discussion on the items in a board resolution.

Mr. Barker moved to adopt a resolution to approve a MOU and provide signature authority to Chairman Raybould. Ms. Cole-Hansen seconded. Roll call vote: Mr. Barker, aye; 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. 7 ayes. The motion passed.

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

No other items were discussed.

Agenda Item No. 4: Next Meeting and Adjourn

Mr. Van Stone moved to adjourn. Ms. Cole-Hansen seconded. Voice vote. All ayes. Meeting adjourned at 11:21 a.m.

Respectfully submitted this 21st day of May, 2021.

Jo Ann Cole-Hansen, *Secretary*

Jennifer Strange, *Administrative Assistant II*

Board Actions:

1. Adopt a resolution to approve a MOU and provide signature authority.

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 21

BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE IDAHO WATER RESOURCE BOARD TO CONTINUE TO WORK EXPEDITIOUSLY WITH LOCAL WATER USERS TO COMPLETE A COMPREHENSIVE SETTLEMENT THAT RESOLVES CURRENT TENSIONS AND CONFLICTS OVER THE USE OF LEMHI BASIN HIGH FLOWS THAT, TO THE BEST OF THE ABILITIES OF THE PARTICIPATING PARTIES AND IN THE SPIRIT OF COMPROMISE AND RESOLUTION, IS CONSISTENT WITH PAST PRACTICES, FUTURE NEEDS, AND IDAHO LAW.

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

WHEREAS, the Idaho State Legislature adopted Senate Concurrent Resolution 137 in 2020 during the Second Regular Session of the Sixty-fifth Legislature, directing the Idaho Water Resource Board, with technical support from the Idaho Department of Water Resources, to work expeditiously with local water users to develop a comprehensive settlement that resolves current tensions and conflicts that are the result of competing water supply demands in the Lemhi River Basin and that the comprehensive settlement, to the best of the abilities of the participating parties and in the spirit of compromise and resolution, is consistent with past practices, future needs, and Idaho law; and

WHEREAS, Senate Concurrent Resolution 137 further directed the Idaho Water Resource Board to report to the First Regular Session of the Sixty-sixth Idaho Legislature on implementation of the resolution; and

WHEREAS, the Idaho Water Resource Board, with technical support from the Idaho Department of Water Resources, retained two mediators to facilitate discussions with local water users, state agencies, state legislators, and other affected parties; and

WHEREAS, the mediators have conducted nine meetings and engaged in extensive shuttle diplomacy with the participating parties since June 2020; and

WHEREAS, significant progress has been made in the Lemhi River Basin settlement discussions, including the development of a framework for resolving the current tensions over the use of Lemhi high flows consistent with past practices, future needs, and Idaho law, and in the resolution of one major contested case in the basin, consistent with the framework; and

WHEREAS, the participating parties are supportive of continuing the current effort to develop a comprehensive settlement, consistent with the existing framework and the direction provided by Senate Concurrent Resolution 137.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we direct the Idaho Water Resource Board, with technical support from the Idaho Department of Water Resources, to continue to work expeditiously with local water users to complete a com-

1 prehensive settlement that resolves current tensions and conflicts over
2 the use of Lemhi Basin high flows that, to the best of the abilities of the
3 participating parties and in the spirit of compromise and resolution, is
4 consistent with past practices, future needs, and Idaho law.

5 BE IT FURTHER RESOLVED that the Idaho Water Resource Board report to the
6 Second Regular Session of the Sixty-sixth Idaho Legislature on the implemen-
7 tation of this resolution, including any comprehensive settlement reached
8 by the participating parties and any proposed legislation that is needed to
9 implement any such settlement.

STATEMENT OF PURPOSE

RS28917 / HCR021

The purpose of this Concurrent Resolution is to support the efforts of the Idaho Water Resource Board and local water users to resolve issues related to the use of high flows in the Lemhi River Basin consistent with past and current practices and Idaho Code, as previously directed in Senate Concurrent Resolution 137, adopted in 2020 during the Second Regular Session of the Sixty-fifth Idaho Legislature. This concurrent resolution finds that the parties have made significant progress in developing a comprehensive solution to the Lemhi high flow issues and directs the Idaho Water Resource Board to continue its efforts with local water users to resolve the Lemhi Basin high flows issues. It also directs the Board to report on the status of the continued effort to the Second Regular Session of the Sixty-sixth Idaho Legislature, including any settlement agreement reached by the participating parties and any legislation needed to implement any such settlement.

FISCAL NOTE

This concurrent resolution will require some continued staff and mediator time, which is capable of being accomplished with existing resources and will not require an additional appropriation..

Contact:

Representative Dorothy Moon
(208) 332-1000
Senator Steve Vick
(208) 332-1000

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

STATEMENT OF PURPOSE

RS28917 / HCR021

The purpose of this Concurrent Resolution is to support the efforts of the Idaho Water Resource Board and local water users to resolve issues related to the use of high flows in the Lemhi River Basin consistent with past and current practices and Idaho Code, as previously directed in Senate Concurrent Resolution 137, adopted in 2020 during the Second Regular Session of the Sixty-fifth Idaho Legislature. This concurrent resolution finds that the parties have made significant progress in developing a comprehensive solution to the Lemhi high flow issues and directs the Idaho Water Resource Board to continue its efforts with local water users to resolve the Lemhi Basin high flows issues. It also directs the Board to report on the status of the continued effort to the Second Regular Session of the Sixty-sixth Idaho Legislature, including any settlement agreement reached by the participating parties and any legislation needed to implement any such settlement.

FISCAL NOTE

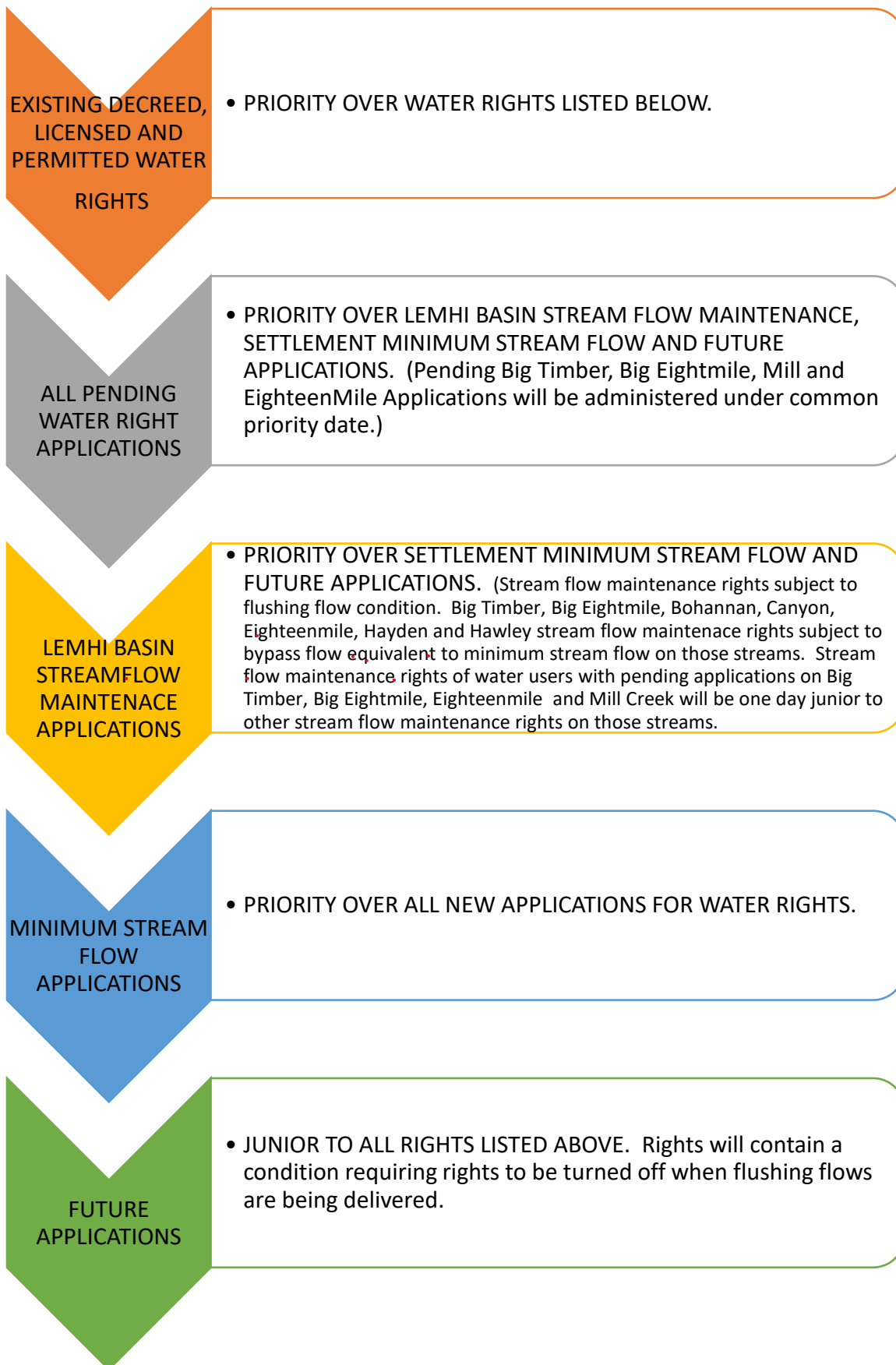
This concurrent resolution will require some continued staff and mediator time, which is capable of being accomplished with existing and resources and will not require an additional appropriation..

Contact:

Representative Dorothy Moon
(208) 332-1000
Senator Steve Vick
(208) 332-1000

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

UPPER LEMHI BASIN SETTLEMENT PRIORITY FLOW CHART



Memorandum



To: Idaho Water Resource Board

From: Cynthia Bridge Clark and Emily Skoro

Date: May 10, 2021

Re: Boise River Feasibility Study & Anderson Ranch Dam Raise

REQUIRED ACTION: Consideration of recommendations from the Water Storage Committee.

The following is a status report on the Boise River Feasibility Study (study) and the Anderson Ranch Dam Raise. A Water Storage Committee meeting is scheduled for May 12 to discuss options to initiate final design and construction of the Anderson Ranch Dam Raise in accordance with the requirements of the Water Infrastructure Improvements for the Nation Act (WIIN Act, P.L. 114-322). Updates from the committee meeting will be provided at the May 21 regular IWRB meeting.

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 study initially included an evaluation of small raises of the three large dams on the Boise River system (Anderson Ranch, Arrowrock, and Lucky Peak Dams) and was later focused on a raise of Anderson Ranch Dam. 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. The details of this requirement and the necessary cost-share agreement between the IWRB and Reclamation will be discussed at the Water Storage Committee meeting on May 12.

In 2019, the Idaho Legislature passed House Joint Memorial 4 (HJM004) and House Bill No. 285 (HB285). HJM004 was passed to support the raising of Anderson Ranch Dam as one of the priorities for the State of Idaho in the interest of promoting additional water security. HB285 provided a \$20,000,000 General Fund transfer to

the IWRB's Water Management Account (WMA) to address the fiscal impact of HJM004. In 2021, the Idaho Legislature passed House Bill 286 which made amendments to the Idaho Code 42-1760, stating, in part, that the Anderson Ranch Dam Raise and other projects selected by the IWRB may be undertaken with funds from the WMA. Senate Bill 1121 was also passed in 2021 which appropriated an additional \$50 million to the WMA.

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

Project Status

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

Reclamation issued a Draft Environmental Impact Statement (DEIS) and Draft Feasibility Report (DFR) on July 31, 2020. The DEIS and DFR identified a 6-foot raise of Anderson Ranch Dam as the preferred alternative. In October 2020, Reclamation submitted the Final Feasibility Report (FFR) for feasibility determination. In December 2020, the Secretary of the Interior determined the study's recommended plan to be feasible in accordance with the WIIN Act. Reclamation will discuss the current plan for release of the Final Environmental Impact Statement (FEIS) at the May Water Storage Committee Meeting.

IWRB/Reclamation Contracting

In accordance with IWRB resolution no. 19-2020, passed November 19, 2020, the IWRB anticipates entering into an agreement or contract with Reclamation for construction of the raise, use of water, and operations and maintenance for the new storage.

Reclamation will begin formal contract negotiations once it receives authorization to negotiate through a Basis of Negotiation (BON). Reclamation staff is preparing the BON and coordinating with IDWR/IWRB staff as needed. IDWR staff is actively developing the contract framework in preparation for negotiations.

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. Input from potential spaceholders was recently gathered through an informal interest survey. The IWRB is using the information and questions submitted by water users, as well as additional project information requested from Reclamation to develop contracting and financing options.

Project Financing and Financial Advisor

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

Water Right

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

Schedule

Reclamation will discuss the project schedule and work to be completed at the May Storage Committee Meeting.

ATTACHMENTS

1. 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 May 21, 2021.

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

Current Status

Recent project activities include:

- Reclamation and IWRB staff began coordinating post-feasibility study activities.
- Information sharing about Reclamation's final design, cost estimating, and acquisitions processes.

Ongoing project activities include:

- 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.

Key Critical Path Milestones

Summer / Fall 2021	Federal / Non-Federal cost share 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,

CHRISTOPHER KEITH
Digitally signed by
CHRISTOPHER KEITH
Date: 2021.05.07
10:39:52 -06'00'

Chris Keith
Project Manager

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF BOISE RIVER BASIN
FEASIBILITY STUDY AND ANDERSON RANCH
DAM RAISE

RESOLUTION TO NEGOTIATE CONTRACT
WITH BUREAU OF RECLAMATION FOR THE
COMPLETION OF THE ANDERSON RANCH
DAM RAISE PROJECT

1 WHEREAS, the Idaho Water Resource Board (IWRB) partnered with the U.S. Bureau of
2 Reclamation (Reclamation) to complete a feasibility study of new surface water storage options on the
3 Boise River. Reclamation issued the Final Feasibility Study (Study) and a Draft Environmental Impact
4 Statement (DEIS) in 2020. The Study recommended a 6-foot raise of the Anderson Ranch Dam (Project),
5 resulting in approximately 29,000 acre-feet of new storage space of which ten percent is reserved for
6 Federal purposes; and

7
8 WHEREAS, the Study was authorized under the Water Infrastructure Improvements for the Nation
9 Act (WIIN Act) which provides study and potential construction authority and Federal funding
10 proportionate to Federal benefits for projects deemed feasible as of January 2021. The WIIN Act further
11 requires Reclamation's Project partner(s) to pay the non-federal share of Project costs and requires the
12 Project to be under construction by December 16, 2021 (includes commencement of design); and

13
14 WHEREAS, in December 2020, the Secretary of the Interior determined the Study's recommended
15 plan to be feasible in accordance with the WIIN Act, and Fiscal Year 2021 Omnibus Appropriations
16 legislation (H.R. 133) secured \$12.88 Million in WIIN Act funding as the federal cost share for completing
17 the Study, environmental compliance, and construction; and

18
19 WHEREAS, based on the findings of the Study, the IWRB and water users requested additional
20 Project design and cost information to address questions about final Project costs, water availability, and
21 concerns about impacts to existing Anderson Ranch Dam Reservoir spaceholders. The IWRB stressed the
22 importance of this information for determining the viability of the Project for local water users and new
23 spaceholders; and

24
25 WHEREAS, to address IWRB questions and meet the WIIN Act deadline for construction,
26 Reclamation has proposed a modified Project approach and schedule. The modified approach includes:
27 1) negotiation and execution of a cost-share agreement (agreement) between the IWRB and Reclamation
28 detailing a commitment to initiate final design and complete Project construction, 2) begin design as an
29 element of construction under the WIIN Act prior to December 16, 2021, and 3) delay completion of the
30 Final Environmental Impact Statement (FEIS) and the Record of Decision in order to incorporate the
31 additional Project information generated during the final design process; and

32
33 WHEREAS, Reclamation has verified that commencement of design will meet the requirement of
34 the WIIN Act for construction to start prior to December 16, 2021. An agreement covering the cost share
35 through completion of the Project with a partner that is capable of funding the entire Project is required
36 before commencement of the design. Reclamation also clarified that the agreement may include early
37 termination clauses to allow the parties to further consider the viability of the Project based upon
38 additional information developed through the final design process; and

39
40 WHEREAS, through IWRB Resolution No. 19-2020, IWRB expressed its belief that contracting

1 directly with Reclamation for all the new non-Federal storage space resulting from a raise of Anderson
2 Ranch Dam will be the most efficient and best method to ensure stakeholder and state support for
3 reasonable financing for the Project. The IWRB's preference is to contract with Reclamation and then
4 negotiate directly with potential spaceholders for the new storage space and how it would be allocated
5 and priced; and
6

7 WHEREAS, through IWRB Resolution No. 07-2021, IWRB allocated a portion of the funds in the
8 Water Management Account provided by House Bill 285 and Senate Bill 1121 to meet non-Federal Project
9 funding and authorization deadlines set forth in the WIIN Act and authorized spending those funds
10 allocated for the Anderson Ranch Dam Raise for activities required to advance the Project to construction,
11 including final design, contracting, and financial planning; and
12

13 WHEREAS, the IWRB's Water Projects Storage Committee met on May 12, 2021 and
14 recommended the full IWRB consider approving the modified Project approach and schedule as described
15 above; and
16

17 NOW THEREFORE BE IT RESOLVED, IWRB approves Reclamation's modified Project approach and
18 schedule with the understanding that this approach satisfies terms of the WIIN Act.
19

20 NOW THEREFORE BE IT FURTHER RESOLVED, IWRB authorizes IWRB Chairman or designee to
21 pursue negotiations with Reclamation regarding the design and construction of the Project. The IWRB,
22 subject to details provided during negotiation, is willing to commit funds to cover the non-federal portion
23 of the final design Project costs, and the IWRB is capable of covering Project costs through completion.
24 Any agreement between the IWRB and Reclamation will include negotiated early-termination clauses
25 acceptable to both parties.
26

27 NOW THEREFORE BE IT FURTHER RESOLVED, IWRB shall negotiate an agreement regarding the
28 design and construction of the Project with Reclamation without having first obtained executed sub-
29 contracts or formal commitments with potential spaceholders, and with the expectation that future sub-
30 contracts may require repayment of all or a portion of the Project costs assumed by the IWRB as the non-
31 federal partner, including feasibility level costs.
32

DATED this 21st day of May 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST _____
JO ANN COLE-HANSEN, Secretary

Memorandum

To: Idaho Water Resource Board
From: Brian Patton
Date: May 12, 2021
Re: Presentation by Elmore County



Representatives from Elmore County will address the board on the Mountain Home Plateau Aquifer.



RECEIVED

APR 30 2021

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
Board Chairman, Jeff Raybould
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Elmore County's Water Development Efforts

Dear Chairman Raybould,

The Mountain Home Chamber of Commerce Board of Directors is writing to express the continued support for Elmore County and the efforts they have made to develop additional water supplies for the Mountain Home area.

As you are aware, the Mountain Home Plateau has suffered from extreme water shortages caused by groundwater declines since the late 1970's. The Idaho Department of Water Resources (IDWR) recognized this problem and imposed groundwater management limitations on the area in 1981 (Groundwater Management Area and Critical Groundwater Area designations). Since those decisions, the groundwater level declines have continued.

This has caused the need for well deepening, irrigation limitation of productive farms, as well as possibly turning away new commercial and industrial ventures from locating in the Mountain Home area, because of the inability to reliably supply significant water.

Because of the need to scientifically calculate the projected benefits to specific land areas from the County's water supply projects, Terry Scanlan of SPF Water Engineers has strongly recommended that the County seeks approval of the Water Board for the IDWR Technical Division to expand the development of the Treasure Valley numeric model to include the Mountain Home Plateau.

We believe this numerical and scientific study could help provide factual information regarding water supply levels for current and future Chamber of Commerce Business Membership. We strongly support the County's effort to obtain this approval.

Respectfully,

Julie Davis
Executive Director
Mountain Home Chamber of Commerce

CC: Governor Brad Little; IDWR Director Gary Spackman; Board of County Commissioners of Elmore County Commissioners

205 North 3rd East • Mountain Home, ID 83647

208-587-4334

www.mountainhomechamber.com
chamber@mountainhomechamber.com

RECEIVED

MAR 12 2021

DEPARTMENT OF
WATER RESOURCES



Idaho Department of Water Resources Board

Chairman, Jeff Raybould
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

March 8th, 2021

Re: Elmore County's Water Development Efforts

Dear Chairman Raybould:

We are writing to communicate support from the City of Mountain Home for the extensive efforts that Elmore County has made to develop additional water supplies for the Mountain Home area and we are willing to support and pay our fair share of this project, if the amount is based on the fact that the City of Mountain only draws 5% of water from the aquifer for use by its citizens.

As you are aware, the Mountain Home area (hereafter described as the Mountain Home Plateau) has suffered from extreme water shortages caused by groundwater declines since the late 1970's. The Idaho Department of Water Resources recognized this problem and imposed groundwater management limitations on the area in 1981 (Groundwater Management Area and Critical Groundwater Area designations). Since those decisions, the groundwater level declines have continued. This has caused the need for extensive well deepening, irrigation limitation of productive farms, reduced pumping, as well as potentially interfering with commercial ventures in locating to the Mountain Home area.

Faced with these problems, in 2015 the Elmore County Commissioners began an effort to reverse this long-term trend.

Fortunately, their efforts have produced results. They sought and obtained approval of a new water permit to allow the County to divert high flow waters from the South Fork Boise River for aquifer recharge and supplemental irrigation in the Mountain Home Plateau. They re-established a water right for aquifer recharge and obtained a new water permit to use in significant recharge gravel pits, adjacent to Canyon Creek. They sought and obtained funding assistance from the Water Board to install improved infrastructure for the diversion of water into these recharge pits. They sought and obtained written authorization from the U.S. Bureau of Land Management, the Idaho Transportation Department, and two private landowners to utilize their gravel pit facilities for the groundwater recharge project.

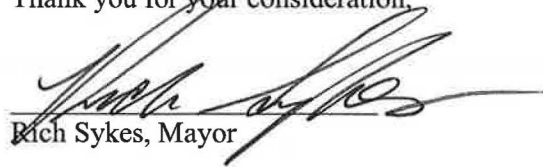
Because of the need to scientifically calculate the projected benefits to specific land areas from the County's water supply projects, Terry Scanlan of SPF Water Engineers has strongly recommended that the County seeks approval of the Water Board for the Idaho Department of Water Resources Technical Division to expand the development of the Treasure Valley numerical model to include the Mountain Home Plateau. We strongly support the County's effort to obtain this approval. We feel it is fundamentally important to scientifically and objectively ascertain which properties this project may or may not directly benefit, as representatives of the City of Mountain Home we feel this is inherently critical moving forward.

City of Mountain Home | City Hall & Office of Mayor Sykes

P.O. Box 10, 160 S. 3rd East, Mountain Home, ID 83647 • (208) 587-2104 • www.mountain-home.us

In conclusion, the City of Mountain Home supports the County's water development efforts and encourages the Water Board to support these efforts specifically by allowing the Department to expand the scope of the Treasure Valley Groundwater Model development to include the Mountain Home Plateau. Your favorable consideration of this request is deeply appreciated by the citizens of this area.

Thank you for your consideration.



Rich Sykes, Mayor



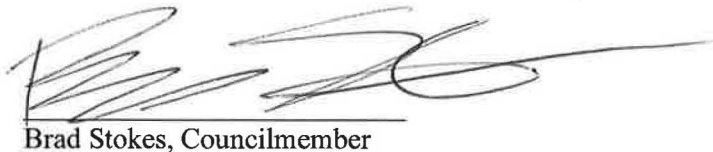
Matt Bundy, Councilmember



Daniel Brennan, Councilmember



Mike McCain, Councilmember



Brad Stokes, Councilmember

Copies to:
Governor Brad Little
IDWR Director, Gary Spackman
Elmore County Commissioners

Elmore County Board of Commissioners

RECEIVED

MAR 10 2021

DEPARTMENT OF
WATER RESOURCES

Phone (208) 587-2129 Ext. 270

ELMORE COUNTY COURTHOUSE
150 South 4th East Suite #3
Mountain Home, Idaho 83647

Fax (208) 587-2159

Albert Hofer
(208) 599-1620

Crystal Rodgers
(208) 999-2206

Franklin L. Corbus
(208) 599-1294

Idaho Water Resource Board
Chairman, Jeff Raybould
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Elmore County's Water Development Efforts

Dear Chairman Raybould:

Elmore County extends its thanks and sincere appreciation to the Idaho Water Resource Board ("Water Board") for all of its financial and moral support of the County's water development efforts over the last five years. The County has come a long way and made significant progress in its work to increase water supplies for use on the Mountain Home Plateau.

Among other accomplishments, the County succeeded in gaining approval of the Idaho Department of Water Resources ("Department") regarding three different water right applications. First, it achieved reinstatement of lapsed water permit 61-7731 for use of Canyon Creek water for aquifer recharge. Second, it obtained new water permit 61-12314 for use of Canyon Creek water at an increased diversion amount to allow the County to maximize aquifer recharge from Canyon Creek when infrequent high flow events occur, such as in 2017. Third, the County achieved the "impossible," in the opinion of many observers, when it succeeded in gaining approval of the Department of water permit 63-34348. This permit allows the County to divert up to 200 cubic feet per second from the South Fork of the Boise River in high flow events.

The County is also actively participating in the efforts to obtain part of the new storage water that would be generated from the Anderson Ranch Dam Raise Project. The County has expressed its desire to acquire contract rights for up to 10,000 acre feet of the anticipated water from the new space in the reservoir. The County will continue to cooperate with the Department and the Water Board in your efforts to make this project become reality.

In addition to the described actions, the County has succeeded in other efforts. It negotiated and executed an agreement with the Mountain Home Irrigation District to utilize its infrastructure to store and deliver water diverted under water permit 63-34348 from the South Fork Boise River. It sought and obtained a Section 299 Special Use Permit from the Bureau of Land Management ("BLM") to use in sizable gravel pits adjacent to Canyon Creek for aquifer recharge. It also negotiated and executed a license agreement with the Idaho Transportation Department to use gravel pits virtually adjacent to the BLM gravel pits for aquifer recharge. This agreement doubles the size of the recharge facilities. The

County also negotiated and executed license agreements with private parties to use their gravel pits for aquifer recharge from Canyon Creek diversion points.

The County is especially thankful for the financial support of the Water Board in providing grant funds to construct the diversion infrastructure improvements from Canyon Creek that will allow the County to maximize diversions to these new aquifer recharge facilities.

Besides these positive accomplishments, the County has successfully negotiated and executed an easement agreement with the major land owner across which its delivery pipeline must be constructed for development of water permit 63-34348. Also, the U.S. Forest Service has recently "accepted" the County's Section 299 Special Permit Application to start the review process for a permit to allow the County to construct the pumping plant and a portion of the pipeline on federal land. The County has also filed a similar application with the BLM for use of a portion of land under its administration for delivery of water diverted under water permit 63-34348.

Also, last year the County engaged Jim Wrigley, municipal financing consultant. He is assisting the County in developing the appropriate mechanism to finance the South Fork Boise infrastructure. He recommended and the County hired, Idaho based bond counsel, Skinner and Fawcett, which has provided an initial legal opinion regarding possible financing approaches. And, the Water Board is well aware that the County has been relying upon the experienced firm, SPF Water Engineering ("SPF"), to provide the necessary technical support for all of the efforts the County has undertaken to date.

Finally, the County organized a community based advisory council, identified as the Water Development Group, to allow it to inform and learn from various interested parties as the County proceeds with its water development efforts. This group conducted meetings prior to the COVID-19 pandemic beginning last year, but has not met since then. However, the County is organizing resumption of this group and plans on scheduling a meeting as soon as it can be coordinated with essential participants. The County is also in the process of establishing a dedicated webpage that members of the public can visit to learn more about what the County is doing to address its water resource challenges.

While the County has made significant progress in overcoming many obstacles in its efforts, it now must seek additional assistance from the Water Board and the Department. Based on input from Terry Scanlan of SPF and from Jim Wrigley that a "numerical model" of the aquifer is needed to determine calculated benefits, the County requests that the developing Treasure Valley Aquifer Model be expanded to include the Mountain Home Plateau. This expansion will assist the County in its efforts to finance its South Fork Boise River diversion infrastructure and will provide the Department and Water District 161 with a valuable tool to properly administer groundwater use and resolve future disputes among competing water users. The County believes that this request is reasonable and appropriate. It is hopeful that the request will be favorably considered.

Finally, the County includes copies of newspaper articles that may be of historical interest. A recent article from the Mountain Home newspaper describes the current status of County water development efforts. However, it also reprints an article from the Mountain Home Republican, dated June 11, 1921. That article describes the excitement of the community about the possible development of a major water development project that would provide needed supplies to the area. It is ironic that no significant water development efforts have occurred since then to provide the needed water. However, "better late than never" is an appropriate reaction from the County's perspective. The need has existed

for a long, long time. The County hopes the Water Board and the Department will assist it in satisfying this need.

Thank you sincerely for your consideration of this request.

Best regards,
Elmore County Board of Commissioners


Franklin L. Corbus, Chairman
Crystal Rodgers, Commissioner
Albert Hofer, Commissioner

C: Governor Brad Little
IDWR Director, Gary Spackman

Elmore County Request to Expand the Treasure Valley Groundwater Model to the Mountain Home Plateau

IDAHO WATER RESOURCE BOARD

MAY 21, 2021

TERRY SCANLAN, P.E., P.G.
SPF WATER ENGINEERING, LLC

Purpose of Presentation

Elmore County requests that the IWRB authorize and fund expansion of the Treasure Valley Groundwater Model to include the Mountain Home Plateau Aquifer

Declining Groundwater Levels Threaten the Economy of Western Elmore County

- Ongoing problem for 40 years
- Continued declines will result in active administration and curtailments
- Similar to the ESPA, a numerical model is needed to objectively manage the aquifer and apportion costs and benefits for water projects
- On the Eastern Snake Plain, transfers, mitigation, reductions, and curtailment actions all rely on a model. Same will be true for the Mountain Home Plateau in the future.

Expansion of the Treasure Valley Model

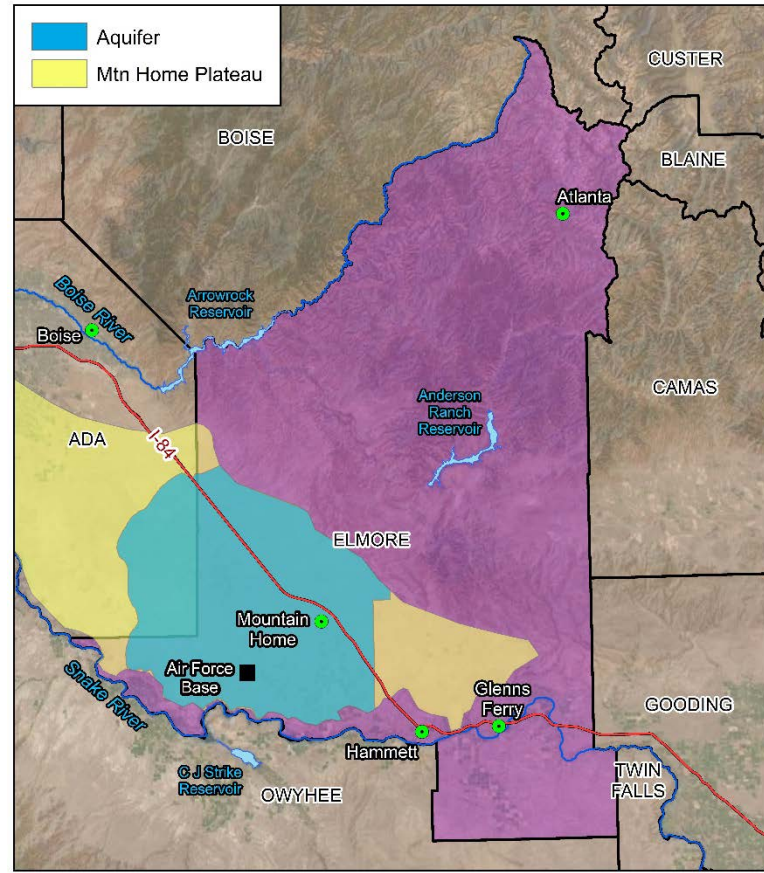
- Now is the time. The model is still in development
- Staff and Technical Advisory Committee are in place
- The aquifer is continuous from the Treasure Valley to Mountain Home
- Supporting data are available from the IDWR East Ada project and from WD161 measurement program.

Presentation Topics

- Groundwater conditions
- Elmore County water projects
- Treasure Valley Groundwater Model

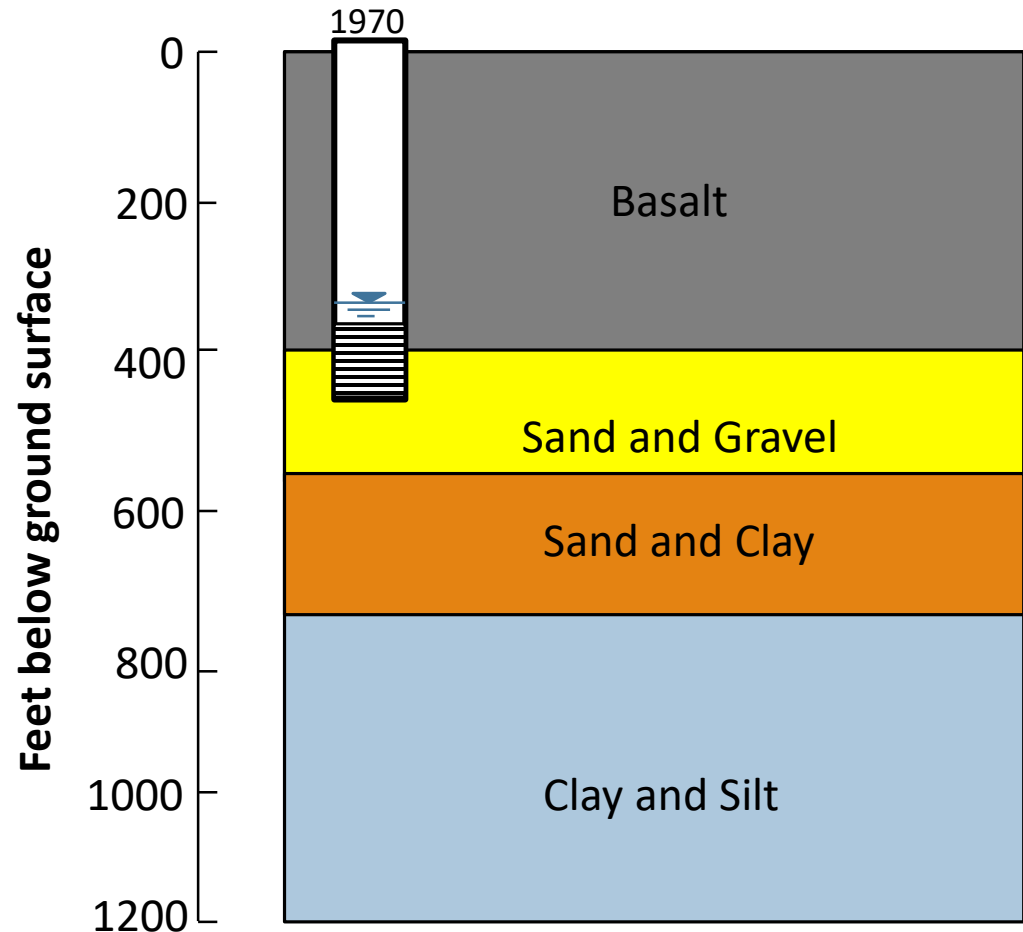
Mountain Home Plateau Aquifer

- Approximated as the portion of the Mountain Home Ground Water Management Area located within the Mountain Home Plateau
- Recharge sources are surface streams and irrigation losses from imported Boise River and Snake River water supplies
- Discharge primarily to wells
- Negligible discharge to springs and seeps along the Snake River



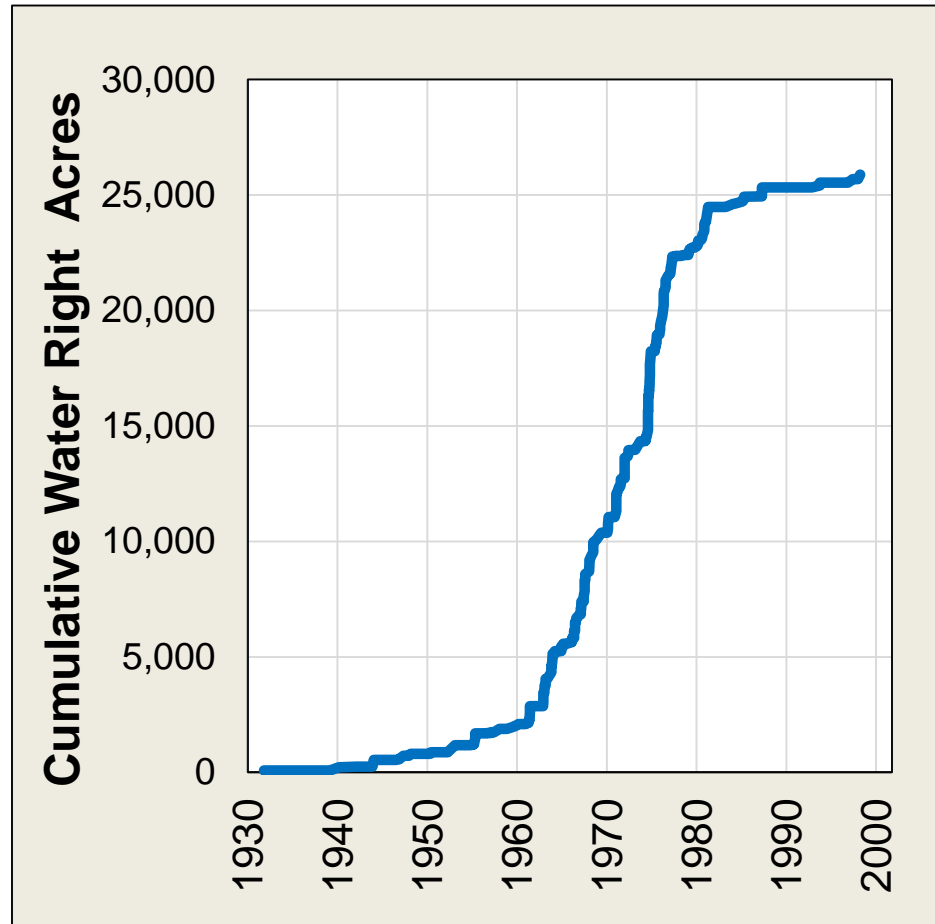
Mountain Home Plateau Aquifer - Hydrogeology

- Regional aquifer is found in productive basalt, sand, and gravel deposits, typically at depths of 400 to 800 feet.
- Aquifer is underlain by clays and silts of the Glens Ferry Formation. These clays and silts do not yield significant water to wells.

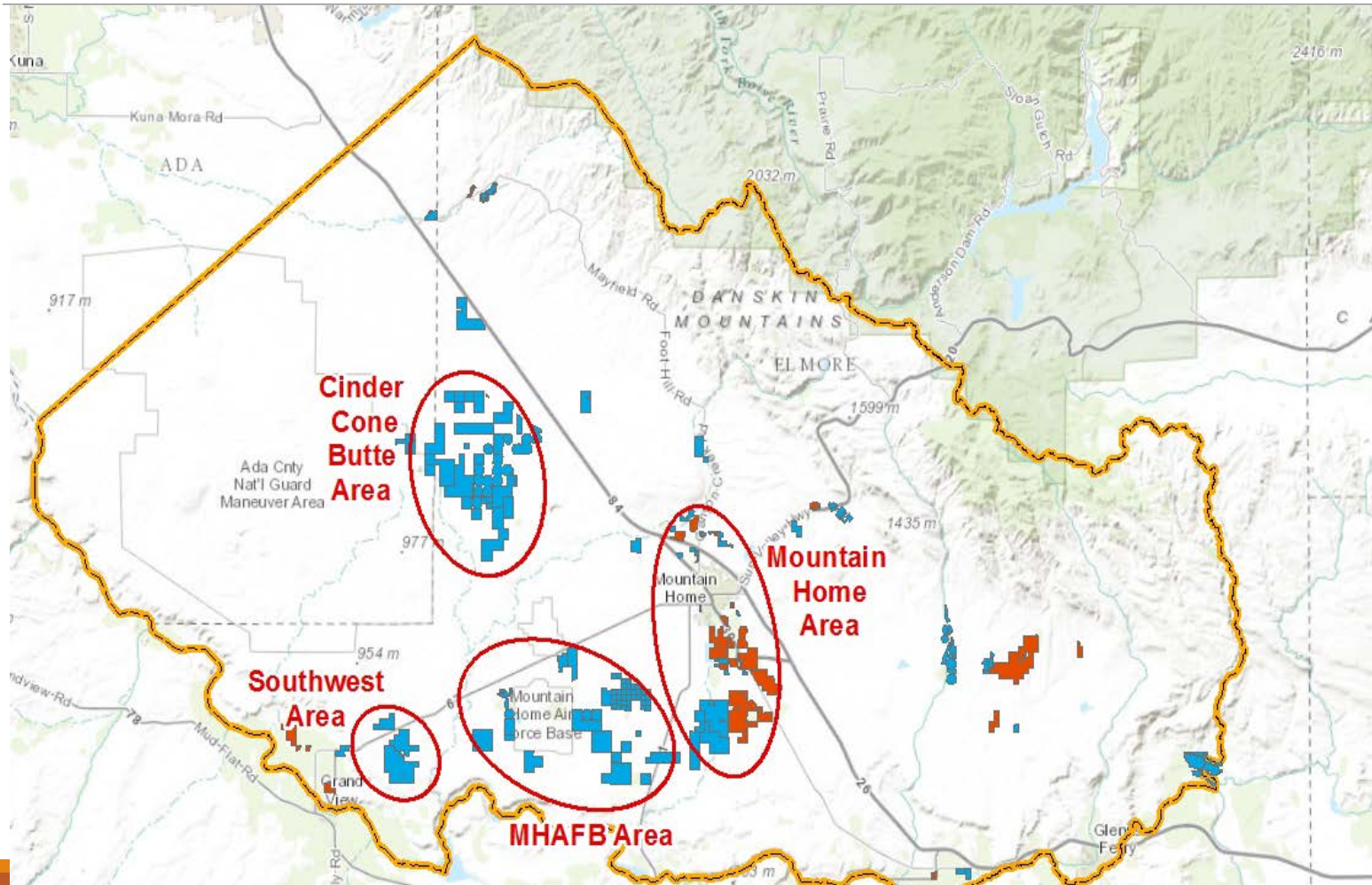


Mountain Home Plateau Groundwater Development

- 85% agricultural irrigation
- 8% municipal
- 4% commercial/industrial
- 3% stockwater



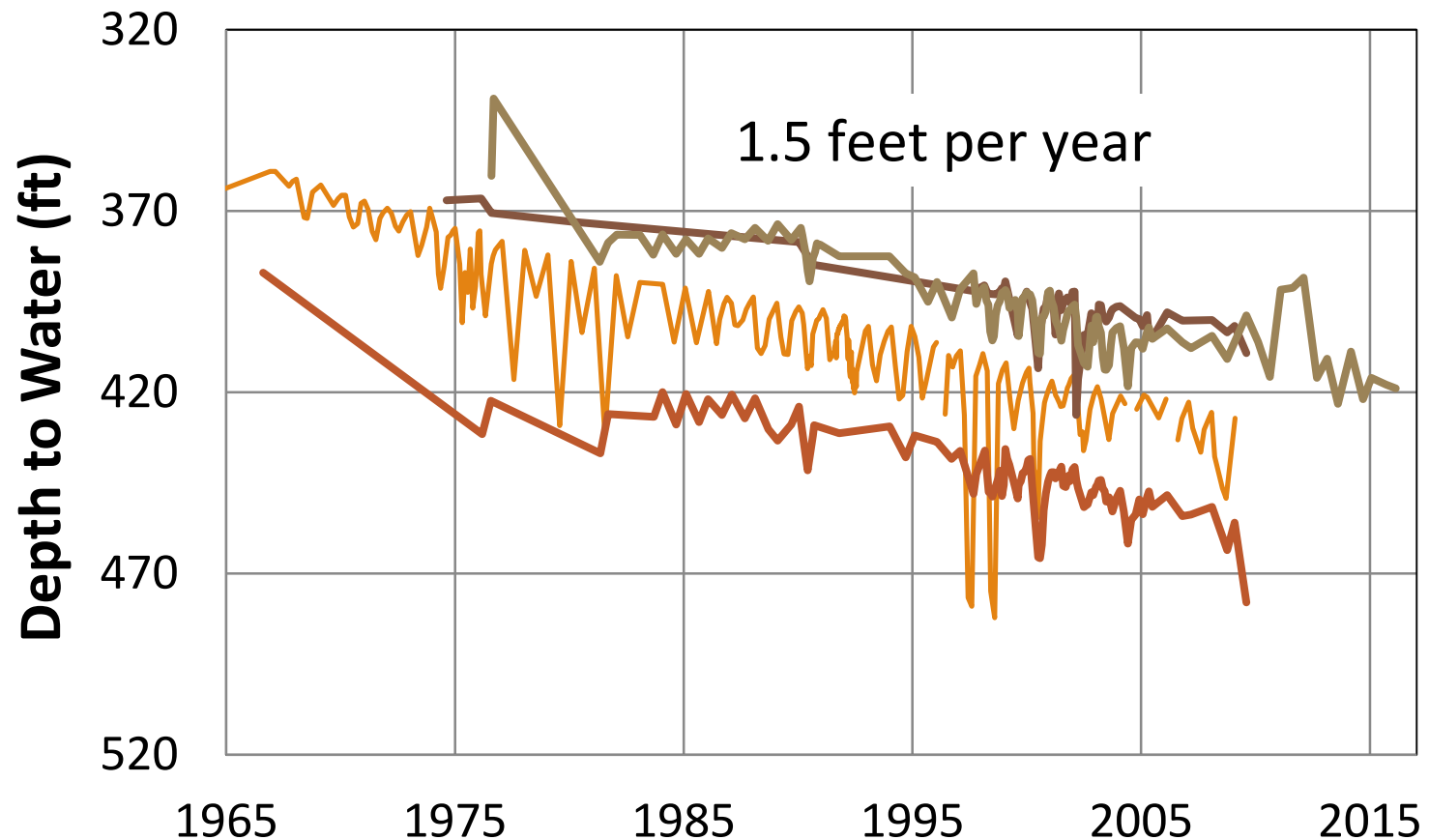
Groundwater Irrigated Areas



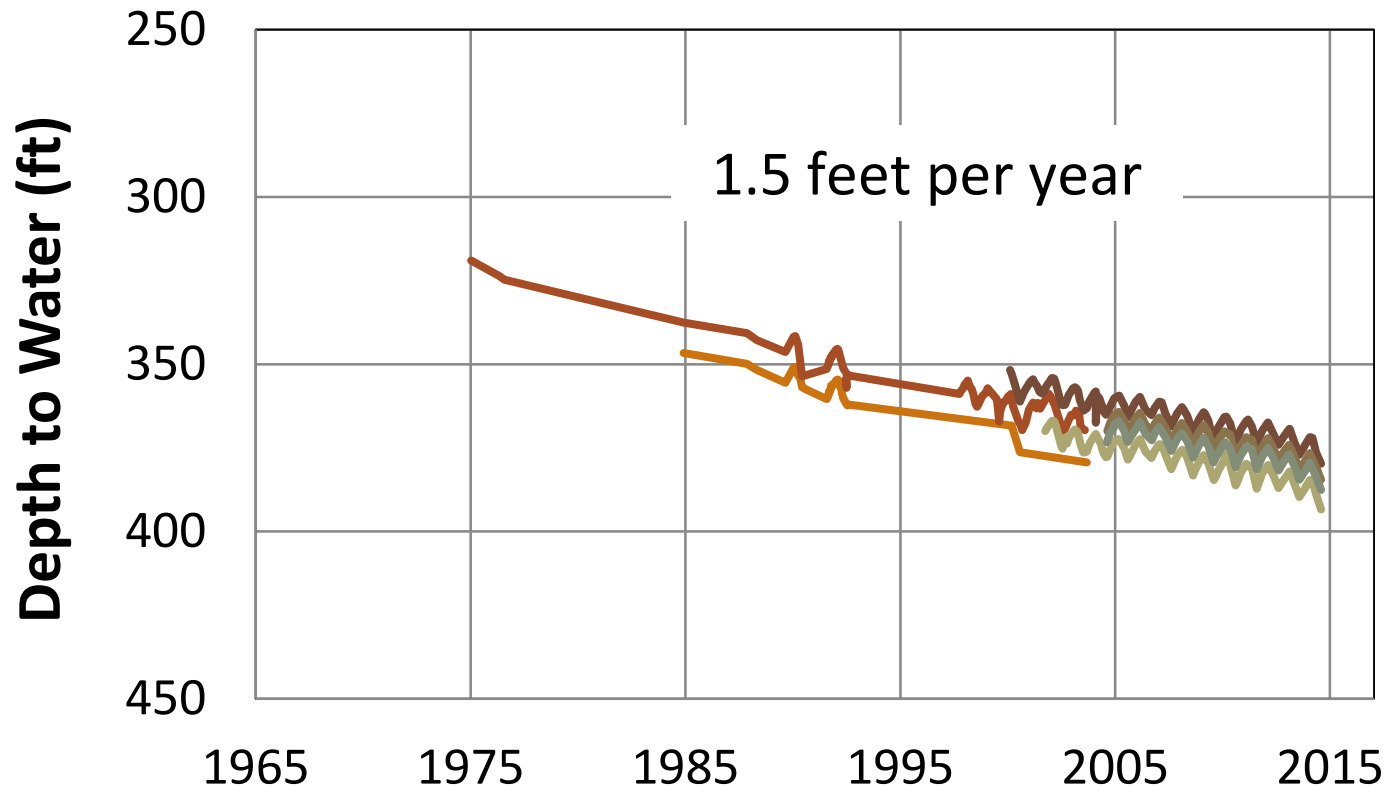
Groundwater Deficit and Decline

- annual groundwater pumping volume - 80,000 af
- annual aquifer recharge – 40,000 af +/-
- annual groundwater deficit 40,000 acre feet
(80,000 af pumped – 40,000 af of recharge = 40,000 af deficit)
- Pumping deficit results in groundwater level declines
as water is removed from storage in the aquifer

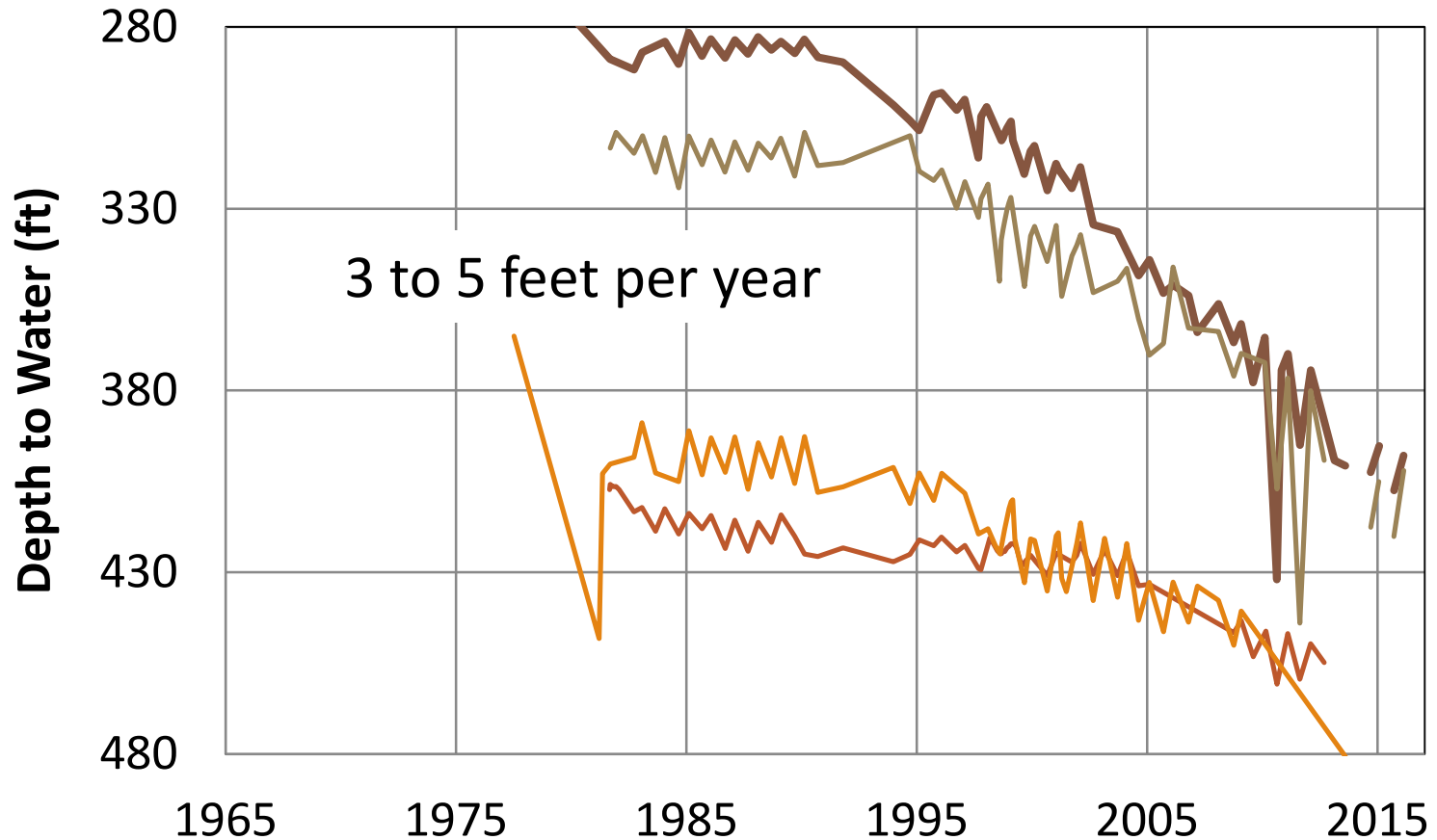
Groundwater Level Declines South Mountain Home



Groundwater Level Declines Mountain Home Air Force Base

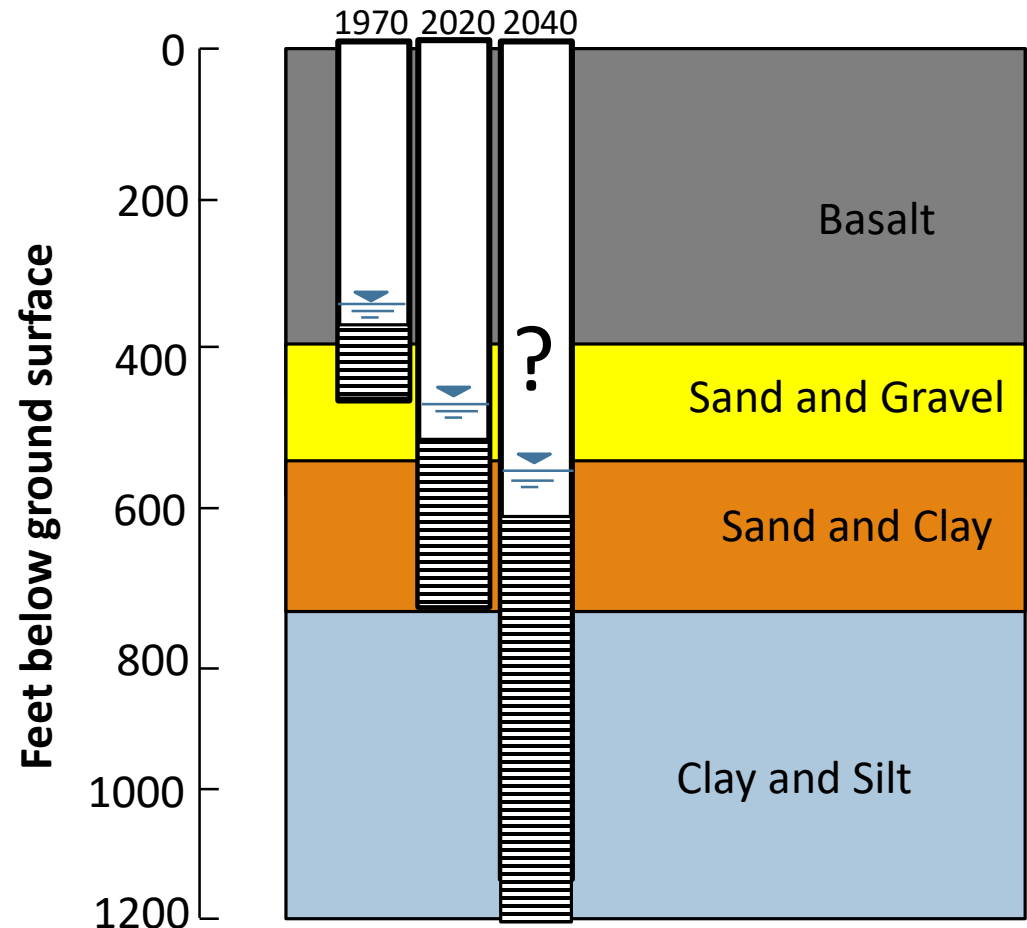


Groundwater Level Declines Cinder Cone Butte



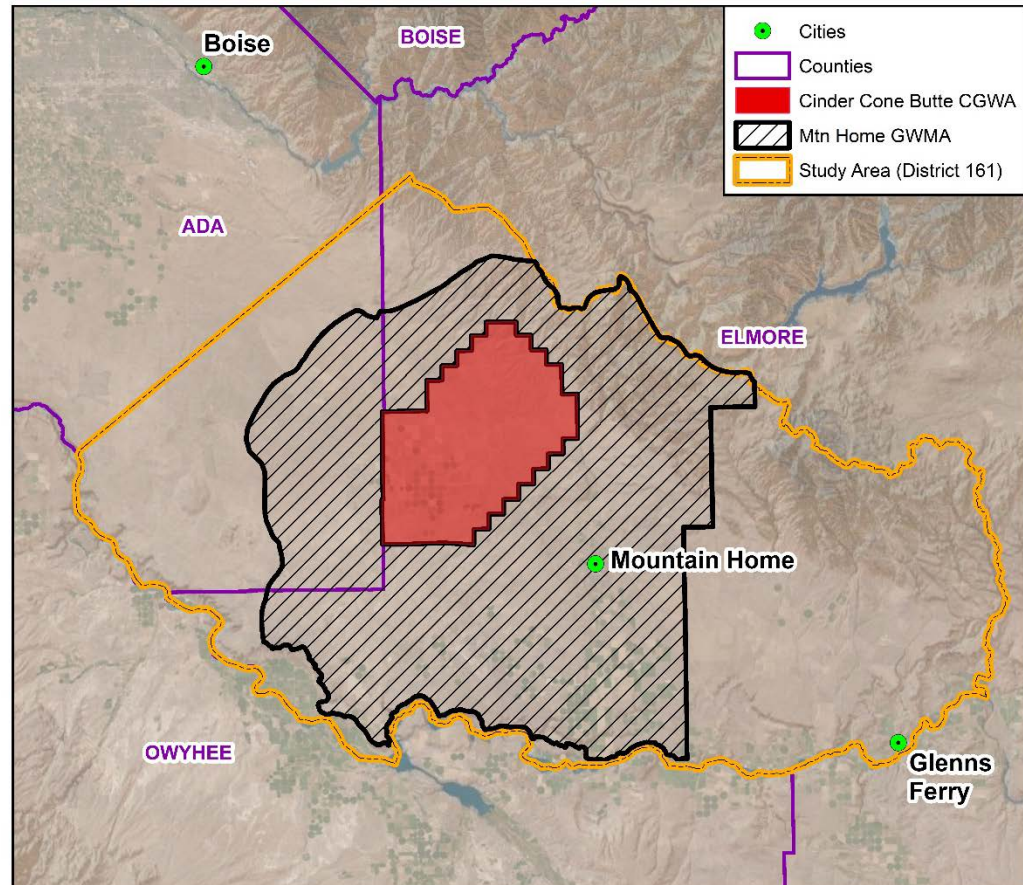
Physical Impacts of Declining Ground Water Levels

- Increased pumping costs
- Deeper wells required
- Some wells cannot be effectively replaced with deeper wells



Regulatory/Administrative Actions to Manage Groundwater

- Cinder Cone Butte Critical Ground Water Area – 1981
- Mountain Home Ground Water Management Area – 1982
- Water District 161 - 2016



Cumulative Water-Level Decline Varies By Area

- 100 to 200 feet at Cinder Cone Butte
- 75 to 100 feet south of Mountain Home
- 70 to 90 feet at MHAFB
- No decline north of Mountain Home or near Mayfield
- Recharge/pumping in one area might not impact other areas
- Numerical model needed for proper administration

Water Development Activities by IWRB in Elmore County

- 2/3 funding of 2017 Water Supply Alternatives Study
- Majority funding of Canyon Creek Recharge Improvements in 2018
- Anderson Ranch Dam Raise (Elmore County is seeking 10,000 af) – Ongoing
- MHAFB Snake River Pump Station and Pipeline - Ongoing

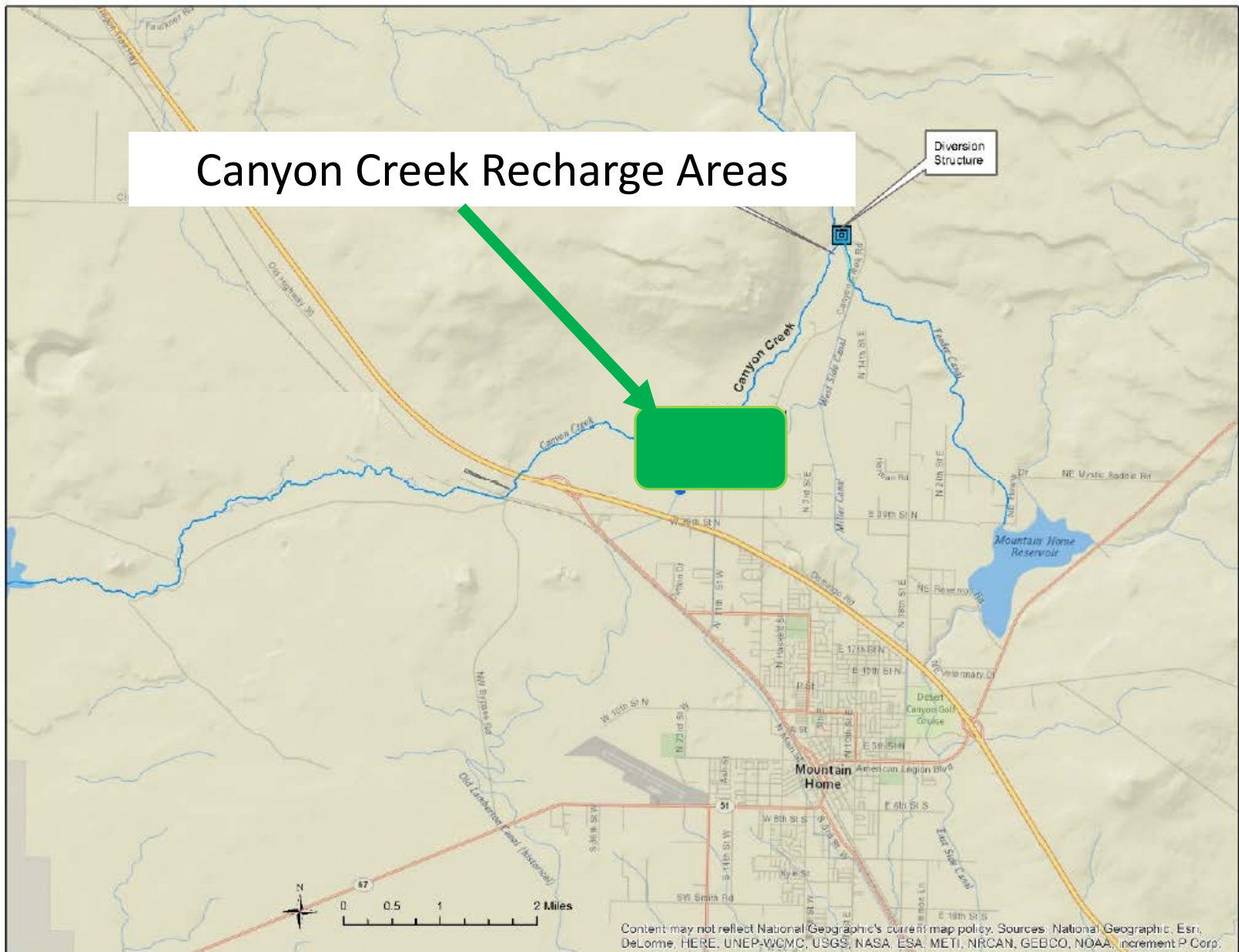
Water Development Activities by Elmore County Commissioners

- 2015 Groundwater Study
- 2017 Water Supply Alternatives Study (1/3 County Funded)
- Water Right Actions
 1. Canyon Creek Recharge License (22.68 cfs)
 2. Canyon Creek Recharge Permit (200 cfs)
 3. SF Boise River Floodwater Permit (200 cfs)
 4. Snake River Application (20 cfs) - pending
- Anderson Ranch Dam Raise – Request for Storage
- Canyon Creek Recharge Facilities – Constructed 2018-19
- SF Boise River Pump Station and Pipeline – Design and Permitting

Canyon Creek Recharge

- Project construction completed February 2019 – 3 diversions to 4 gravel pit sites
- IWRB grant for construction; City assistance
- 200 cfs design capacity
- Water quality monitoring program
- 2000 to 3000 af average anticipated
- All available Canyon Creek flow was recharged in 2019; no flow available in 2020 and 2021

Canyon Creek Recharge Areas



Check and Headgates on Canyon Creek



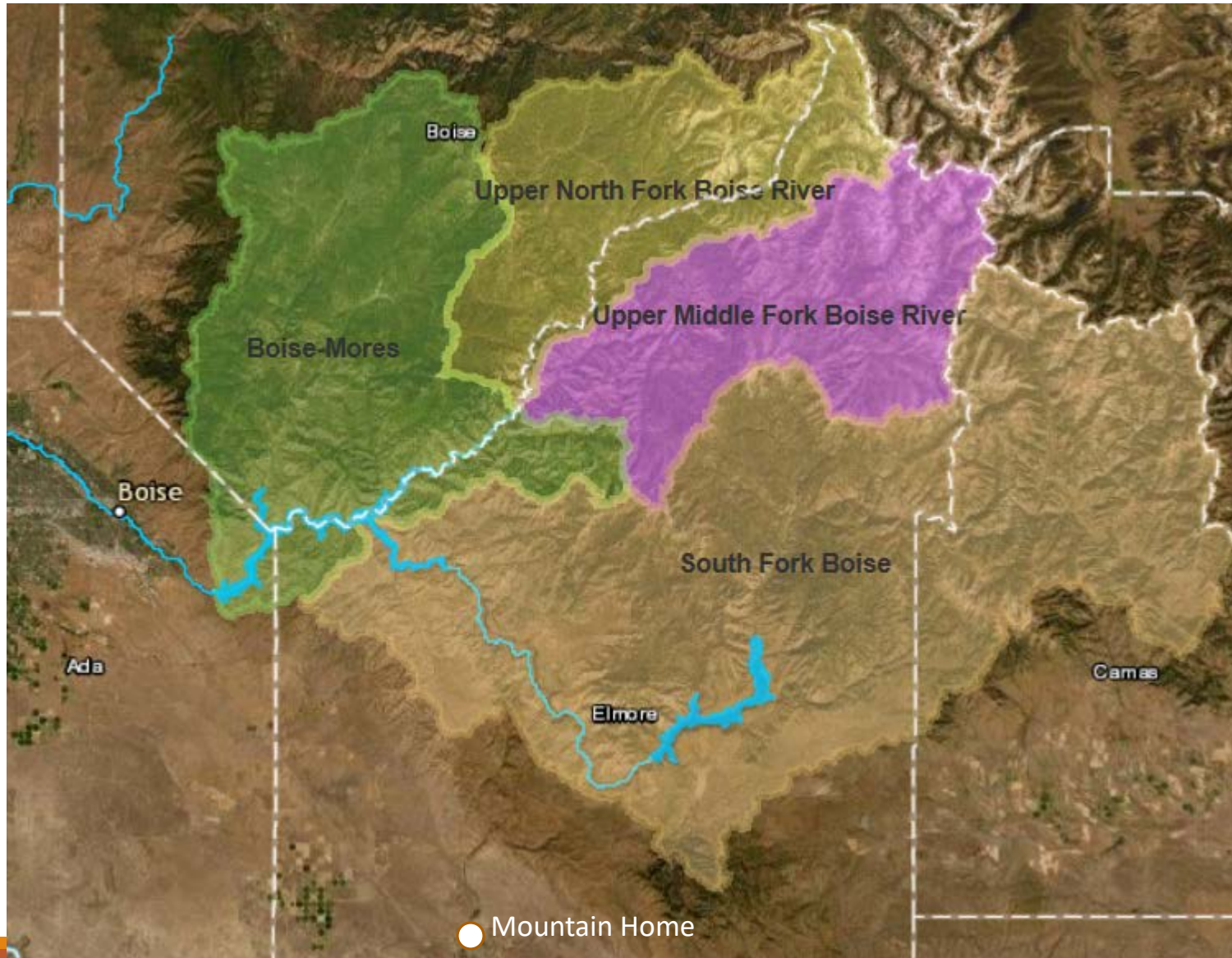
Flow Measurement Weir at Recharge Site



Recharge Site



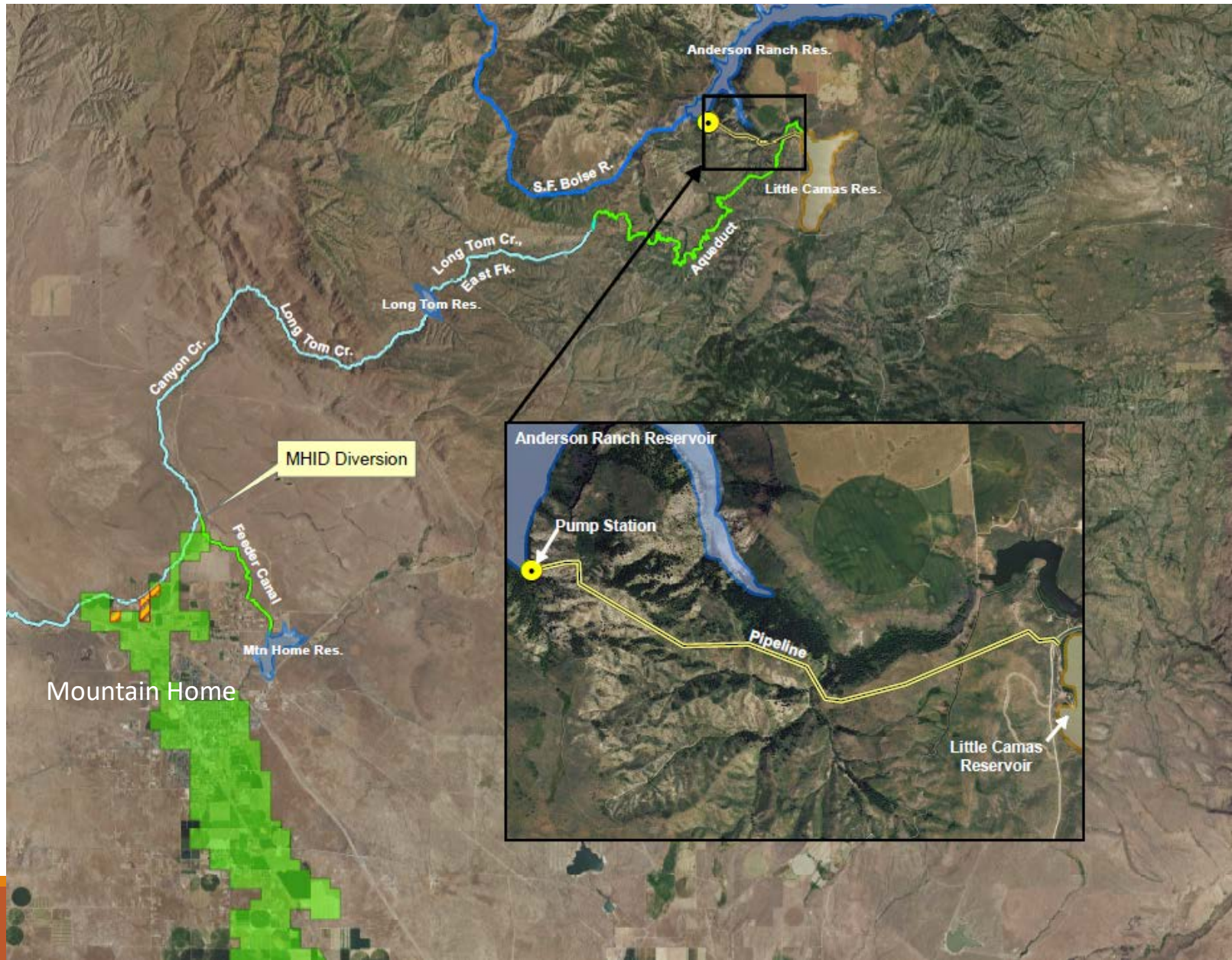
South Fork Boise River Project



SF Boise River Project Status

- 200 cfs floodwater permit for County approved on August 13, 2019
- Elmore County is seeking 10,000 af of the new storage from dam raise
- Engineering in progress for pump station and pipeline from Anderson Ranch Reservoir to Little Camas Reservoir
- Potential for energy recapture through hydropower generation
- Pipeline easement obtained from private landowner; MHID agreement for use of facilities
- USFS ROW application with pending environmental studies

South Fork Boise River Water Diversion Project



Costs for Water

- Estimated water cost of \$90 to more than \$200 per acre foot – much higher than current irrigation water costs
- Some costs might be reduced through energy recapture and optimized facility sizing
- How to pay? Who will pay? Who will benefit?

Treasure Valley Groundwater-Flow Model

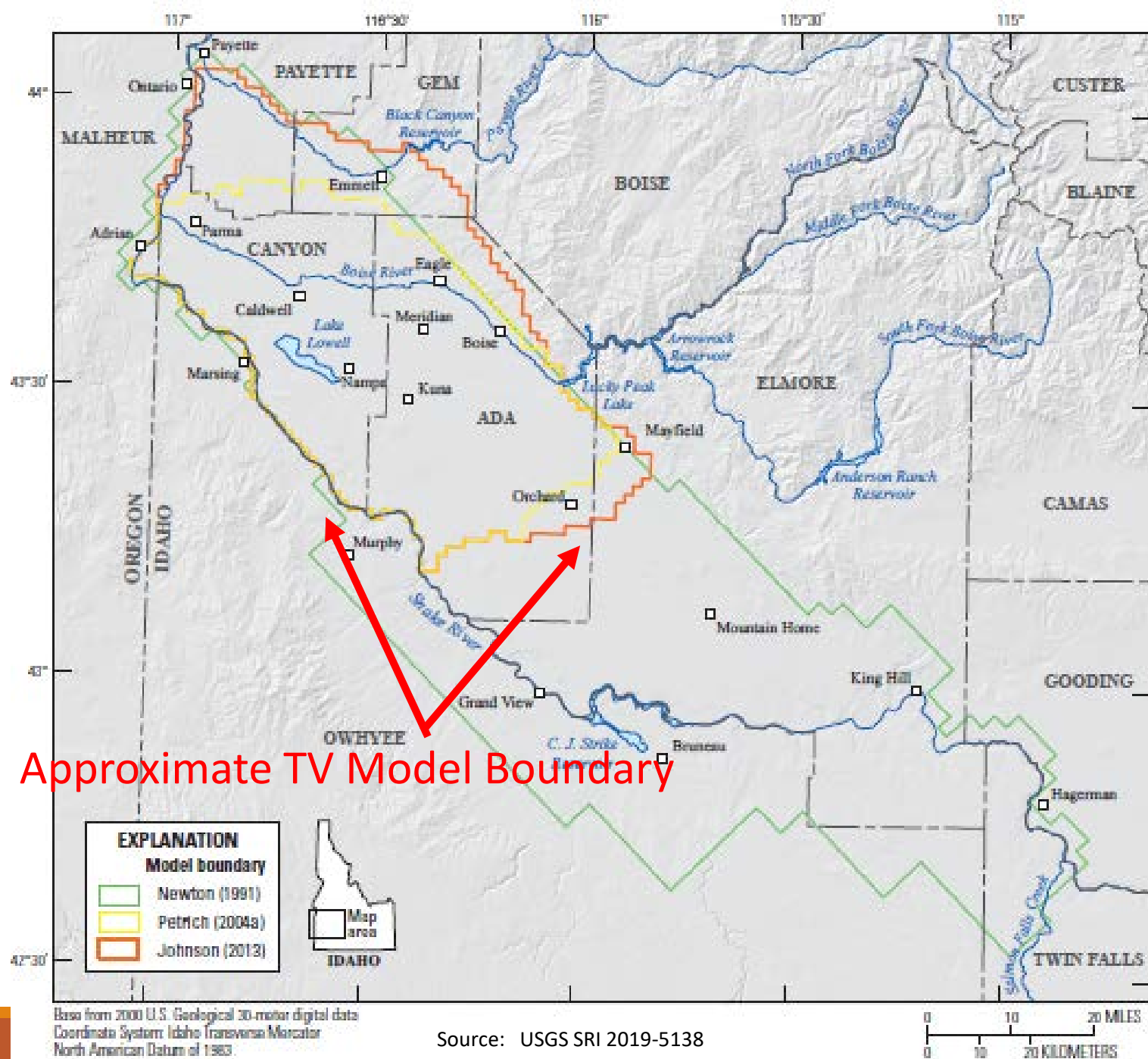
“The purpose of this project is to develop a transient numerical groundwater-flow model of the lower Boise River basin (Treasure Valley). The general objective is to provide a tool for the management of surface and groundwater resources.”*

*July 1, 2019 Design Objectives

Treasure Valley Groundwater-Flow Model – Specific Objectives*

- 1. Compile data***
- 2. Revise the hydrogeologic conceptual model***
- 3. Design, construct, and calibrate a transient model of the TVAS***
- 4. Improve understanding of groundwater/surface-water interaction***
- 5. Facilitate conjunctive administration***
- 6. Provide a tool for water resource planning***
- 7. Provide a tool for water allocation***
- 8. Identify data gaps and develop recommendations for further study***
- 9. Develop a tool based on best available science***
- 10. Be accessible and well-documented***

*July 1, 2019 Design Objectives



Summary

- A numerical groundwater model is needed as an objective tool for administration and management of groundwater on the Mountain Home Plateau, and to support allocation of costs and benefits for water projects.
- The Mountain Home Plateau Aquifer is an extension of the Treasure Valley Aquifer. There is no hydraulic separation.
- The Treasure Valley Groundwater Flow Model is currently in development and could be extended to encompass the Mountain Home area.
- Elmore County requests that the IWRB authorize and fund expansion of the Treasure Valley Model into this area.

Questions?

Memorandum



To: Idaho Water Resource Board
From: Neeley Miller, Planning & Projects Bureau
Date: May 11, 2021
Re: Financial Status Report

As of **April 30, 2021** the IWRB's available and committed balances are as follows:

Secondary Aquifer Fund:

Committed/earmarked but not disbursed	\$12,494,144
Uncommitted Balance	\$12,574,109

Revolving Development Account:

Committed/earmarked but not disbursed	\$20,362,808
Loan principal outstanding	\$20,778,342
Uncommitted Balance	\$12,199,331
Anticipated loanable funds available next 1 year	\$15,699,331

Water Management Account

Committed/earmarked but not disbursed	\$21,680,681
Uncommitted Balance	\$219,170

Total committed/earmarked but not disbursed	\$54,537,633
Total loan principal outstanding	\$20,778,342
Total uncommitted balance	\$24,992,610

- The remaining uncommitted balance in the Secondary Aquifer Fund includes \$5 M received to-date from the cigarette tax during the current fiscal year to be budgeted for FY 2022.
- The committed/earmarked balance in the Water Management Account includes the remainder of the FY 2020 \$800K legislative appropriation for the Flood Management Grant Program and \$200K for the Mid-Snake Water Quality Monitoring/Modeling effort per House Bill 646. It also includes the \$20M legislative appropriation per HB 285 for the Anderson Reservoir Enlargement and/or MHAFB Water Supply Project.

Idaho Water Resource Board
Budget and Committed Funds
as of April 30, 2021

SECONDARY AQUIFER PLANNING, MANAGEMENT, & IMPLEMENTATION FUND

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

FY 2021 Revenue

Interest Earned State Treasury.....	97,957.13	
Recharge Payments - City of Pocatello & City of Idaho Falls.....	40,901.60	
HB547 - State Recharge & Aquifer Stabilization (SRAS).....	5,000,000.00	
HB646, Section 4 - Water Sustainability.....	5,000,000.00	
HB646, Section 4 - Governor's Holdback.....	(250,000.00)	
Department of Energy Grant (\$928K).....	261,400.00	
Department of Energy Grant (\$1.14M).....	188,300.00	
TOTAL FY 2021 REVENUE.....		10,338,558.73

FY 2021 Expenditures

SRAS Equipment & Supplies - FY 20.....	(26,118.98)
SRAS Equipment & Supplies - FY 21.....	(47,498.62)
SRAS Conveyance Costs - FY 20.....	(411,082.96)
SRAS Conveyance Costs - FY 21.....	(401,533.11)
SRAS Site Monitoring - FY 20.....	(102,853.72)
SRAS Site Monitoring - FY 21.....	(257,216.40)
SRAS Regional Monitoring - FY 20.....	(34,432.63)
SRAS Regional Monitoring - FY 21.....	(83,496.14)
American Falls Reservoir District # 2 (CON01384).....	(32,838.70)
Big Wood Canal Company (CON01281 - Deitrich Drop Power Plant Improvements Project).....	(114,570.87)
Butte & Market Lake Canal Company (CON01462).....	(83,194.00)
Connect Engineering (CON01458).....	(22,625.00)
Egin Bench Canals Inc (CON01425).....	(273,815.65)
Quadrant Consulting Inc (CON01464, MP31 Embankment Design).....	(27,933.71)
Quadrant Consulting Inc (CON01514, Large Upper Valley Study).....	(25,456.50)
Summit Construction LLC (CON01533, MP31 Embankment Construction).....	(49,257.18)
The Ferguson Group (FY 2020 Budget).....	(88,215.72)
Steve Stuebner (FY 2020 Budget) - Media Services.....	(8,343.75)
Clive Strong (CON01470).....	(70,921.26)
Parsons, Behle, and Latimer (CON01479).....	(38,899.10)
Centered Consulting International LLC (CON01515).....	(17,216.86)
Elizabeth Cresto (CON01487).....	(756.25)
Misc Costs for IWRB and staff.....	(10,517.05)
WS Hydrology Monitoring - FY 20.....	(18,461.80)
WS Hydrology Monitoring - FY 21.....	(435,377.48)
USGS - 6605 (Treasure Valley Modeling)	(374,258.94)
University of Idaho (CON01210, TV Model).....	(43,315.78)
University of Idaho (CON01424 & CON01427, Raft River).....	(149,272.58)
Boise State University (CON01503).....	(14,126.86)
Department of Interior - Boise River Feasibility Study (FY2019).....	(295,000.00)
City of Hailey (CON01205, Grant).....	(10,500.00)
Department of Energy Grant expenditures (ESPA costs) 29871.....	(150,610.36)
Department of Energy Grant expenditures (Big Lost costs) 29872.....	(286,157.60)
Department of Energy Grant expenditures (Raft River costs) 29874.....	(70.13)
Idaho Power - Cloudseeding Model (CON01254).....	(238,644.35)
Idaho Power - Cloudseeding HPC (CON01444).....	(200,000.00)

Boise State University - Cloudseeding (29860) (CON01394).....	(25,000.00)
Boise State University - Cloudseeding (29840) (CON01394).....	(10,470.43)

TOTAL FY 2021 EXPENDITURES..... (4,480,060.47)

FY 2021 Cash Balance..... 25,068,252.82

COMMITTED FUNDS THRU FY 2018	Budget	Amended	Obligated	Expenditures	Carry forward	Committed
Cooperative Weather Modification Program (Cloud Seeding - CON01109).....	492,000.00		492,000.00	(483,997.64)	(8,002.36)	0.00
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.....	1,492,000.00	900,000.00	2,392,000.00	(1,681,689.29)	(8,002.36)	702,308.35

ESPA Managed Recharge Infrastructure

Milner-Gooding Dietrich Drop hydro plant bypass (CON01281).....	50,000.00	1,450,000.00	1,500,000.00	(1,478,327.73)	(21,672.27)	0.00
Butte Market Lake Recharge Well (CON01462).....	110,000.00		110,000.00	(83,194.00)		26,806.00
Egin Lakes Recharge Project, Phase II (CON01225).....	500,000.00	80,000.00	580,000.00	(508,582.06)		71,417.94
Total ESPA Managed Recharge Infrastructure.....	660,000.00	1,530,000.00	2,190,000.00	(2,070,103.79)	(21,672.27)	98,223.94

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
Cloud Seeding Operations & Maintenance (1/3 of total).....	600,000.00	18,000.00	618,000.00	(580,000.00)	(38,000.00)	0.00
NRCS Snow Survey contribution USDA (CON01177).....	100,000.00	100,000.00	200,000.00	(150,000.00)		50,000.00
Total Statewide Studies & Projects	900,000.00	118,000.00	1,018,000.00	(807,984.03)	(150,515.97)	59,500.00

TOTAL COMMITTED FUNDS THRU FY 2018..... 3,052,000.00 2,548,000.00 5,600,000.00 (4,559,777.11) (180,190.60) 860,032.29 Adjustments

FY 2019 BUDGET	Budget (as approved - May 2018)	Amendments	Budget (as amended)	Obligated	Expenditures	Carry forward	Committed
ESPA Managed Recharge Infrastructure							
North Side CC - Wilson Canyon Recharge Basin (CON01331, CON01368, CON01384).....	1,750,000.00	150,000.00	1,900,000.00	1,900,000.00	(1,408,115.51)	(491,884.49)	0.00
AFRD2 MP29 Site (CON01384).....	2,150,000.00		2,150,000.00	2,150,000.00	(594,434.32)	(1,555,565.68)	0.00
Total ESPA Managed Recharge Infrastructure.....	3,900,000.00	150,000.00	4,050,000.00	4,050,000.00	(2,002,549.83)	(2,047,450.17)	0.00
Managed Recharge Investigations							
MP29 Managed Recharge Site (CON01296 & CON01337).....		85,500.00	85,500.00	85,500.00	(53,954.48)	(31,545.52)	0.00
Total Managed Recharge Investigations.....	0.00	85,500.00	85,500.00	85,500.00	(53,954.48)	(31,545.52)	0.00
ESPA Hydrologic Monitoring							
Hydrologic Monitoring (DOE - Year 1 of 3 = \$928K).....	310,000.00		310,000.00	310,000.00	(310,000.00)		0.00
ESPA Hydrologic Monitoring.....	310,000.00	0.00	310,000.00	310,000.00	(310,000.00)	0.00	0.00
TREASURE VALLEY							
Boise River Storage Studies (final payment).....	1,000,000.00		1,000,000.00	1,000,000.00	(1,000,000.00)		0.00
Southeast Boise Groundwater Management Area Monitoring.....	100,000.00		100,000.00	100,000.00	(53,130.00)	(46,870.00)	0.00
Treasure Valley Recharge Study (CON01320).....	200,000.00		200,000.00	200,000.00	(199,987.76)	(12.24)	(0.00)
TREASURE VALLEY TOTAL.....	1,300,000.00	0.00	1,300,000.00	1,300,000.00	(1,253,117.76)	(46,882.24)	(0.00)
STATE-WIDE							
Aquifer monitoring network enhancements in priority aquifers.....	309,351.82		309,351.82	309,351.82	(267,205.66)	(42,146.16)	0.00
Cooperative Cloud Seeding Program							

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

FY 2020 BUDGET	Budget (as approved - May 2019)	Amendments	Budget (as amended)	Obligated	Expenditures	Carry forward	Committed
ESPA Managed Recharge Operations							-
Equipment & Supplies.....	192,880.00		192,880.00	192,880.00	(32,003.33)	(160,876.67)	0.00
Conveyance Cost.....	3,500,000.00		3,500,000.00	3,500,000.00	(3,500,000.00)		0.00
Recharge Monitoring.....	540,950.00		540,950.00	540,950.00	(460,652.21)	(80,297.79)	0.00
Regional Monitoring.....	200,000.00		200,000.00	200,000.00	(105,747.30)	(94,252.70)	0.00
Total ESPA Managed Recharge Operations.....	4,433,830.00	0.00	4,433,830.00	4,433,830.00	(4,098,402.84)	(335,427.16)	0.00
ESPA Managed Recharge Infrastructure							
North Side CC - Eden Projects.....	2,000,000.00		2,000,000.00	2,000,000.00		(2,000,000.00)	0.00
Large Upper Valley Investigations.....	500,000.00		500,000.00	500,000.00		(500,000.00)	0.00
Small Upper Valley Sites.....	1,000,000.00		1,000,000.00	1,000,000.00		(1,000,000.00)	0.00
Twin Falls Canal Company - Injection Wells.....	550,000.00		550,000.00	550,000.00		(372,000.00)	178,000.00
Reserved for Additional Recharge Projects.....	500,000.00		500,000.00	500,000.00		(500,000.00)	0.00
Total ESPA Managed Recharge Infrastructure.....	4,550,000.00	0.00	4,550,000.00	4,550,000.00	0.00	(4,372,000.00)	178,000.00
Managed Recharge Investigations							
Big/Little Wood Sites.....	200,000.00		200,000.00	200,000.00		(200,000.00)	0.00
Swan Highway Project Design (Connect Eng - CON01458)		100,000.00	100,000.00	100,000.00	(22,625.00)		77,375.00
Reserved for additional investigations and engineering.....	300,000.00	(100,000.00)	200,000.00	200,000.00		(200,000.00)	0.00
Total Managed Recharge Investigations.....	500,000.00	0.00	500,000.00	500,000.00	(22,625.00)	(400,000.00)	77,375.00
ESPA Hydrologic Monitoring							
Hydrologic Monitoring (DOE - Year 2 of 3 = \$928K).....	310,000.00		310,000.00	310,000.00	(81,485.17)		228,514.83
ESPA Hydrologic Monitoring	310,000.00	0.00	310,000.00	310,000.00	(81,485.17)	0.00	228,514.83
TREASURE VALLEY							
Treasure Valley Modeling Year 4 of 5 (USGS 6605).....	500,000.00		500,000.00	500,000.00	(431,039.64)		68,960.36
Treasure Valley DCM Water Conservation Study.....	200,000.00		200,000.00	200,000.00		(200,000.00)	0.00
Boise River Storage Studies.....		920,000.00	920,000.00	920,000.00	(795,000.00)		125,000.00
TREASURE VALLEY TOTAL.....	700,000.00	920,000.00	1,620,000.00	1,620,000.00	(1,226,039.64)	(200,000.00)	193,960.36
CAMAS PRAIRIE							
Ground & Surface Water Monitoring.....	15,000.00		15,000.00	15,000.00		(15,000.00)	0.00
CAMAS PRAIRIE TOTAL.....	15,000.00	0.00	15,000.00	15,000.00	0.00	(15,000.00)	0.00
BIG LOST							
Hydrologic Monitoring (DOE - Year 2 of 3 = \$1.14M).....	380,000.00		380,000.00	380,000.00	(283,368.53)		96,631.47
BIG LOST TOTAL.....	380,000.00	0.00	380,000.00	380,000.00	(283,368.53)	0.00	96,631.47
PALOUSE BASIN							
Water Sustainability Projects.....	100,000.00		100,000.00	100,000.00		(100,000.00)	0.00
PALOUSE BASIN TOTAL.....	100,000.00	0.00	100,000.00	100,000.00	0.00	(100,000.00)	0.00

BEAR RIVER BASIN

Water Sustainability Projects.....	100,000.00		100,000.00	100,000.00	(948.75)	(99,051.25)	0.00
BEAR RIVER BASIN TOTAL.....	100,000.00	0.00	100,000.00	100,000.00	(948.75)	(99,051.25)	0.00

COOPERATIVE CLOUD SEEDING PROGRAM

Cloud Seeding Modeling Project, CON01254 (Year 3 of 4, Total \$1,470,000).....	231,000.00		231,000.00	231,000.00	(223,303.15)	(7,696.85)	0.00
Operations & Maintenance - CON01393 (1/3 of total annual cost for O&M).....	1,232,000.00		1,232,000.00	1,232,000.00	(900,000.00)	(332,000.00)	0.00
Capital Expenditures - CON01444 (HPC - Year 1 of 2, Total = \$700K).....	500,000.00		500,000.00	500,000.00	(500,000.00)		0.00
Program Development Activities - CON01444.....	200,000.00		200,000.00	200,000.00	(25,000.00)	(175,000.00)	0.00
COOPERATIVE CLOUD SEEDING PROGRAM TOTAL.....	2,163,000.00	0.00	2,163,000.00	2,163,000.00	(1,648,303.15)	(514,696.85)	0.00

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

STATE-WIDE

Administrative expenses (public information, staff training, etc).....	80,000.00		80,000.00	80,000.00	(26,816.32)	(53,183.68)	0.00
Hydrological monitoring hardware and software.....	15,000.00		15,000.00	15,000.00		(15,000.00)	0.00
Professional Assistance for securing Federal Funding.....	100,000.00		100,000.00	100,000.00	(88,199.28)	(11,800.72)	0.00
<u>Aquifer monitoring network enhancements in priority aquifers</u>							
Northern Idaho.....	125,000.00		125,000.00	125,000.00		(125,000.00)	0.00
Southern Idaho (non-ESPA).....	125,000.00		125,000.00	125,000.00		(125,000.00)	0.00
STATE-WIDE TOTAL.....	445,000.00	0.00	445,000.00	195,000.00	(115,015.60)	(79,984.40)	0.00

Unspecified Projects in Other Areas or Carry-over..... 1,555,170.00 (1,124,000.00) 431,170.00

TOTAL FY 2020 BUDGETED FUNDS..... 15,252,000.00 0.00 15,048,000.00 12,203,830.00 (7,679,211.26) (6,116,159.66) 775,459.08

FY 2021 BUDGET	Budget (as approved - May 2020)	Amendments	Budget (as amended)	Obligated	Expenditures	Carry forward	Committed
ESPA Managed Recharge Operations							-
Equipment & Supplies.....	229,000.00		229,000.00	229,000.00	(47,498.62)	(125,000.00)	56,501.38
Conveyance Cost.....	3,500,000.00		3,500,000.00	3,500,000.00	(401,533.11)		3,098,466.89
Recharge Monitoring.....	526,000.00		526,000.00	526,000.00	(257,216.40)		268,783.60
Regional Monitoring.....	225,000.00		225,000.00	225,000.00	(83,496.14)		141,503.86
Total ESPA Managed Recharge Operations.....	4,480,000.00	0.00	4,480,000.00	4,480,000.00	(789,744.27)	(125,000.00)	3,565,255.73
ESPA Managed Recharge Infrastructure							
Enterprise Project.....	2,000,000.00		2,000,000.00	2,000,000.00			2,000,000.00
Butte Market Lake Project.....	500,000.00		500,000.00	500,000.00		(500,000.00)	0.00
MP 31 - BLM Road Embankment (CON01527, CON01533).....		320,000.00	320,000.00	320,000.00	(49,257.18)		270,742.82
Reserved for Additional Recharge Projects.....	500,000.00	(320,000.00)	180,000.00	180,000.00		(180,000.00)	0.00
Total ESPA Managed Recharge Infrastructure.....	3,000,000.00	0.00	3,000,000.00	3,000,000.00	(49,257.18)	(680,000.00)	2,270,742.82
Managed Recharge Investigations							
Large Upper Valley Project.....	300,000.00		300,000.00	300,000.00	(25,456.50)		274,543.50
ASCC Project Investigation.....	200,000.00		200,000.00	200,000.00		(200,000.00)	0.00
North Side Hunt Projects.....	500,000.00		500,000.00	500,000.00		(500,000.00)	0.00

MP31 - BLM Road Embankment Design (CON01464).....		27,950.00	27,950.00	27,950.00	(27,933.71)		16.29
Cloudseeding - BSU CON01394.....		20,409.00	20,409.00	20,409.00	(10,470.43)		9,938.57
Reserved for additional investigations and engineering.....	300,000.00	(48,359.00)	251,641.00	251,641.00		(251,641.00)	0.00
Total Managed Recharge Investigations.....	1,300,000.00	0.00	1,300,000.00	1,300,000.00	(63,860.64)	(951,641.00)	284,498.36
ESPA Hydrologic Monitoring							
Hydrologic Monitoring (DOE - Year 3 of 3 = \$928K).....	308,000.00		308,000.00	308,000.00			308,000.00
ESPA Hydrologic Monitoring	308,000.00	0.00	308,000.00	308,000.00	0.00	0.00	308,000.00
TREASURE VALLEY							
Treasure Valley Modeling Year 5 of 5 (USGS 6605).....	500,000.00		500,000.00	500,000.00			500,000.00
Boise River Storage Study.....	250,000.00		250,000.00	250,000.00		(250,000.00)	0.00
TREASURE VALLEY TOTAL.....	750,000.00	0.00	750,000.00	750,000.00	0.00	(250,000.00)	500,000.00
RAFT RIVER							
Raft River Hydrologic Characterization.....	100,000.00	375,000.00	475,000.00	475,000.00	(14,126.86)		460,873.14
Hydrologic Monitoring (DOE - Year 1 of 3 = \$832K).....	277,000.00		277,000.00	277,000.00	(70.13)		276,929.87
RAFT RIVER TOTAL.....	377,000.00	375,000.00	752,000.00	752,000.00	(14,196.99)	0.00	737,803.01
BIG LOST							
Hydrologic Monitoring (DOE - Year 3 of 3 = \$1.14M).....	380,000.00		380,000.00	380,000.00			380,000.00
BIG LOST TOTAL.....	380,000.00	0.00	380,000.00	380,000.00	0.00	0.00	380,000.00
PALOUSE BASIN							
Water Sustainability Projects.....	200,000.00		200,000.00	200,000.00			200,000.00
PALOUSE BASIN TOTAL.....	200,000.00	0.00	200,000.00	200,000.00	0.00	0.00	200,000.00
BEAR RIVER BASIN							
Water Sustainability Projects.....	100,000.00		100,000.00	100,000.00	(756.25)		99,243.75
BEAR RIVER BASIN TOTAL.....	100,000.00	0.00	100,000.00	100,000.00	(756.25)	0.00	99,243.75
LEMHI BASIN							
Lemhi Basin SCR 137.....	200,000.00		200,000.00	200,000.00	(127,037.22)		72,962.78
LEMHI BASIN TOTAL.....	200,000.00	0.00	200,000.00	200,000.00	(127,037.22)	0.00	72,962.78
MOUNTAIN HOME/ELMORE COUNTY							
Water Sustainability Projects.....	200,000.00		200,000.00	200,000.00	0.00		200,000.00
MOUNTAIN HOME/ELMORE COUNTY TOTAL.....	200,000.00	0.00	200,000.00	200,000.00	0.00	0.00	200,000.00
COOPERATIVE CLOUD SEEDING PROGRAM							
Cloud Seeding Modeling Project, CON01254 (Year 4 of 4, Total \$1,470,000).....	240,000.00		240,000.00	240,000.00	(238,644.35)	(1,355.65)	0.00
Operations & Maintenance - CON01511 (1/3 of total annual cost for O&M).....	875,000.00		875,000.00	875,000.00		(44,400.00)	830,600.00
O&M Shortages provided by IWRB (CON01511, Amendment 1).....	500,000.00		500,000.00	500,000.00		(83,000.00)	417,000.00
Capital Expenditures - CON01444 (HPC - Year 2 of 2, Total = \$700K).....	200,000.00		200,000.00	200,000.00	(200,000.00)		0.00
Program Development Activities	500,000.00		500,000.00	500,000.00			500,000.00
COOPERATIVE CLOUD SEEDING PROGRAM TOTAL.....	2,315,000.00	0.00	2,315,000.00	2,315,000.00	(438,644.35)	(128,755.65)	1,747,600.00
STATE-WIDE							
Administrative expenses (public information, staff training, etc).....	85,000.00		85,000.00	85,000.00	(18,860.80)		66,139.20
Professional Assistance for securing Federal Funding.....	100,000.00		100,000.00	100,000.00	(88,215.72)		11,784.28
Statewide Surface Water & Aquifer Monitoring.....	850,000.00		850,000.00	850,000.00	(435,377.48)		414,622.52
STATE-WIDE TOTAL.....	1,035,000.00	0.00	1,035,000.00	1,035,000.00	(542,454.00)	0.00	492,546.00

FIVE PERCENT GOVERNOR'S HOLDBACK TOTAL.....	250,000.00		250,000.00	250,000.00			
Unspecified Projects in Other Areas or Carry-over.....	0.00		0.00				
TOTAL FY 2021 BUDGETED FUNDS.....	14,895,000.00	375,000.00	15,270,000.00	15,270,000.00	(1,898,913.68)	(2,135,396.65)	10,858,652.45

IDAHO WATER RESOURCE BOARD
Sources and Applications of Funds
as of April 30, 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.....		\$12,999,894.71
Interest Earned State Treasury (Transferred).....		\$2,346,835.69
Water Supply Bank Receipts.....		\$8,507,689.22
Transferred to/from Water Management Account.....		\$317,253.80
Filing Fee Balance.....		\$47,640.20
Bond Fees.....		\$1,469,601.45
Series 2000 (Caldwell/New York) Pooled Bond Issuers fees.....		\$43,657.93
2012 Ground Water District Bond Issuer fees.....		\$366,000.00
Bond Issuer fees.....		\$21,107.59
Pierce Well Easement.....		\$2,000.00
Transfer from Aqualife Hatchery Sub-Account.....		\$1,117,800.85
Transfer from Pristine Springs Sub-Account.....		\$554,882.10
Legislative Audits.....		(\$49,404.45)
IWRB Bond Program.....		(\$18,600.00)
IWRB Studies and Projects.....		(\$249,067.18)
Arbitrage Calculation Fees.....		(\$12,000.00)
Protest Fees.....		(\$995.00)
Attorney fees for Jughandle LID (Skinner Fawcett).....		(\$3,600.00)
Attorney fees for A&B Irrigation (Skinner Fawcett).....		(\$4,637.50)
Lemhi Basin Protest Costs - (Attorney General's Office).....		(\$32,279.54)
Weiser Galloway Study - US Army Corps of Engineers.....		(\$1,555,450.71)
Boise River Storage Feasibility Study.....		(\$333,000.00)
Geotech Environmental (Transducers).....		(\$6,402.61)
Priest Lake Improvement Study (16-Mar-16).....		(\$917,725.21)
Priest Lake Construction Project Contribution.....		(\$830,864.50)
Treasureton Irrigation Ditch Co.....		(\$5,000.00)
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
Cash Balance of Legislative Appropriation 2014, HB 479 Sec 1 and 2.....		\$4,203,829.73
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.....	\$168,686.33	
Total Priest Lake Water Management Project Revenue.....		\$1,399,131.33
Contract Expenditures - Mott MacDonald (CON01426).....	(\$638,162.35)	
Dam Operator Contracts (CON01445, CON01453, CON01454).....	(\$8,019.16)	

Misc Expenditures.....	(\$8,022.29)	
Builder's Risk Insurance.....	(\$5,515.00)	
IDL Mineral Lease Bond.....	(\$2,000.00)	
Total Priest Lake Water Management Project Expenditures.....		(\$661,718.80)
Cash Balance Priest Lake Water Management Project.....		\$737,412.53
Committed Funds		
Dam Operator Contracts (CON01445, CON01453, CON01454).....	\$39,320.56	
Mott MacDonald Contract (CON01426).....	\$14,554.65	
TOTAL COMMITTED FUNDS.....	\$53,875.21	
Uncommitted Priest Lake Water Management Project Balance.....		\$683,537.32
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).....	(\$503,812.24)	
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.....		(\$2,956,998.30)
Cash Balance Priest Lake Construction Project.....		\$2,043,001.70
Committed Funds		
Mott MacDonald Contract (CON01484).....	\$75,931.76	
Strider Construction - Outlet Dam (CON01480).....	\$958,261.91	
Strider Construction - Thorofare (CON01481).....	\$301,608.84	
Construction Contingency.....	\$707,199.19	
TOTAL COMMITTED FUNDS.....	\$2,043,001.70	
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.....	(\$4,296,000.00)	
Total Pristine Springs Project Sub-Account Transfers.....		(\$9,425,300.00)
Cash Balance Pristine Springs Sub-Account.....		\$716,021.12
Pristine Springs Committed Funds		
Loan Payments to be transferred to 0129.....	\$716,000.00	
TOTAL COMMITTED FUNDS.....	\$716,000.00	
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.....	\$363,892.01	
Upper Salmon/CBWTP Sub-Account Revenue.....		\$7,324,543.20
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.....		\$3,932,971.84
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.....		(\$611,742.35)
Water Supply Bank Sub-Account		
Interest Earned State Treasury.....	\$34,764.44	
Payments received from renters.....	\$4,987,135.61	
Payments made to owners.....	(\$4,619,865.40)	
Cash Balance Water Supply Bank Sub-Account.....		\$402,034.65
Committed Funds:		
Owners Share.....	\$367,270.21	
Total Committed Funds.....	\$367,270.21	
Uncommitted Water Supply Bank Sub-Account Balance.....		\$34,764.44
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.....	\$2,078,399.02	
Loan Interest.....	\$282,192.24	
Reimbursement from Commerce & Labor W-Canal.....	\$74,709.77	
Reimbursement from MVGWD & NSGWD-Pristine Springs.....	\$1,000,000.00	
Reimbursement from Water District 1 for Recharge.....	\$159,764.73	
Reimbursement from BOR for Palisades Reservoir.....	\$2,381.12	
Black Canyon Exchange Project Revenues.....	\$23,800.00	
Eastern Snake Plain Sub-Account Revenue.....		\$13,821,246.88
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.....		\$1,683,219.86
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.....		\$900,151.27
CREP Loans Outstanding:		
American Falls-Aberdeen GWD (CREP).....	\$24,845.18	
Bonneville Jefferson GWD (CREP).....	\$19,599.16	
Magic Valley GWD (CREP).....	\$23,427.81	
North Snake GWD (CREP).....	\$0.00	
TOTAL ESP CREP LOANS OUTSTANDING.....	\$67,872.15	
Uncommitted Eastern Snake Plain Sub-Account Balance.....		\$832,279.12
Dworshak Hydropower Project		
Power Sales & Other.....	\$12,837,107.73	
Interest Earned State Treasury.....	\$919,643.47	
Total Dworshak Project Revenue.....		\$13,756,751.20
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.....	\$3,218,181.79	
Powerplant Repairs.....	\$180,409.72	
Bond payoff.....	\$391,863.11	
Capital Improvements.....	\$318,366.79	
FERC Payments.....	\$127,036.68	
Total Dworshak Project Expenditures.....		(\$4,924,950.90)
Cash Balance Dworshak Hydropower Project.....		\$8,831,800.30
Dworshak Project Committed Funds		
Emergency Repair/Future Replacement Fund.....	\$5,454,587.43	
FERC Fee Payment Fund.....	\$0.00	
Total Dworshak Project Committed Funds.....	\$5,454,587.43	
Uncommitted Dworshak Hydropower Project Sub-Account Balance.....		3,377,212.87
TOTAL.....		\$29,383,249.71
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	\$559,153.10
Canyon County Drainage District No. 2 (28-Nov-12; Drain tile pipeline repla	\$35,000.00	\$8,391.89
Chaparral Water Association (21-Jan-11; Well deepening & improvement)..	\$68,000.00	\$3,084.48
Clearview Water Company.....	\$50,000.00	\$21,793.07
Consolidated Irrigation Company (July 20, 2012; pipeline project).....	\$500,000.00	\$410,719.21
Dalton Water Association.....	\$1,036,900.00	\$441,148.58
Evans Water Corporation & HOA.....	\$20,000.00	\$14,476.78
Foothill Ranch Homeowners Association (7-oct-11; well rehab).....	\$150,000.00	\$75,413.69
Goose Lake Reservoir Corp.....	\$320,000.00	\$275,815.80

Last Chance Canal Company (14-July-2015, diversion dam rebuild).....	\$2,500,000.00	\$1,797,076.87	
Lindsay Lateral Association (Engineering Design Project & Pipeline Study)...	\$19,700.00	\$0.00	
Marsh Center Irrigation Company (13-May-05; Hawkins Dam).....	\$236,141.00	\$0.00	
Marysville Irrigation Company (9-May-08, Pipeline Project Phase 2).....	\$1,100,000.00	\$155,367.02	
Milner Irrigation District (pipeline replacement).....	\$2,000,000.00	\$2,000,000.00	
North Fremont Canal Company (Pipeline Project Phase 3).....	\$4,300,000.00	\$2,495,835.44	
North Side Canal Company (Phase 1 - canal rehab project).....	\$1,846,092.61	\$1,532,140.57	
Outlet Water Association (22-Jan-16; new well & improvements).....	\$100,000.00	\$68,815.95	
Pinehurst Water District (23-Jan-15).....	\$100,000.00	\$37,755.72	
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			\$17,111,566.28
Loans and Other Funding Obligations:			
Reserved for Future Loans.....		\$0.00	
Milner Irrigation District (pipeline replacement).....		\$0.00	
North Fremont Canal Company.....		\$500,000.00	
Riverland Terrace Nonprofit Water		\$0.00	
TOTAL LOANS AND OTHER FUNDING OBLIGATIONS			\$500,000.00
Uncommitted Funds			\$11,771,683.43
TOTAL			\$29,383,249.71

(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 April 30, 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.....		\$123,730.75	
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			\$120,499.97
Large Projects Program Sub-Account			
Legislative Appropriation (HB 285, Sec 1, 2019).....	\$20,000,000.00		
Interest Earned State Treasury.....	\$544,929.52		
Total Revenue for Large Projects Program Sub-Account		\$20,544,929.52	
	\$0.00		
	\$0.00		
Total Expenditures for Flood Management Program Sub-Account		\$0.00	
Cash Balance for Large Projects Program Sub-Account			\$20,544,929.52
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		
Interest Earned State Treasury.....	\$5,092.65		
Total Revenue for Water Quality Collection Program Sub-Account		\$405,092.65	
DOI-USGS Agreement FY 2020 - Mid-Snake River.....	(\$200,000.00)		
DOI-USGS Agreement FY 2021 - Mid-Snake River.....	(\$100,000.00)		
Total Expenditures for Water Quality Collection Program Sub-Account		(\$300,000.00)	
Cash Balance for Water Quality Collection Program Sub-Account			\$105,092.65
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		
Interest Earned State Treasury.....	\$30,156.04		
Total Revenue for Flood Management Program Sub-Account		\$2,630,156.04	
Grants Disbursed for Leg Approp (HB 712, Sec 1, 2018, Flood Mgmt Pg).....	(\$901,677.56)		
Grants Disbursed for Leg Approp (HB 285, Sec 3, 2019, Flood Mgmt Pg).....	(\$464,251.34)		
Grants Disbursed for Leg Approp (HB 646, Sec 5, 2020, Flood Mgmt Pg).....	(\$134,897.83)		
Total Expenditures for Flood Management Program Sub-Account		(\$1,500,826.73)	
Cash Balance for Flood Management Program Sub-Account			\$1,129,329.31
TOTAL			\$21,899,851.45
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>(98,322.82)</i>		<i>(98,322.82)</i>
Total Committed Balance for Year 1	901,677.56	(901,677.56)	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>
Blaine County (CON01397).....	100,000.00	(96,555.00)	3,445.00
Board of Controls Irrigation (CON01398)	59,050.00	(57,827.50)	1,222.50
Clearwater Soil & Water Conservation District (CON01399).....	190,492.37	(190,490.18)	2.19
Clearwater Soil & Water Conservation District (CON01400).....	72,727.39	(72,629.03)	98.36
City of Hailey (CON01401).....	50,000.00	(19,841.33)	30,158.67
Flood Control District No. 10 (CON01402).....	160,000.00		160,000.00
Idaho Soil and Water Conservation District (CON01403) CANCELLED	159,436.00		159,436.00
Idaho Soil and Water Conservation District (CON01404)	21,619.50	(20,537.30)	1,082.20
Blaine County (CON01405).....	50,000.00		50,000.00
<i>Uncommitted from HB285 Year 2</i>	<i>(161,740.70)</i>		<i>(161,740.70)</i>
Total Committed Balance for Year 2	707,955.56	(464,251.34)	243,704.22
Flood Management Program grants - Year 3 (HB646, Sec 5, 2020)			
Flood Control District 10 - Boise River North Channel (CON01510)	47,500.00		47,500.00
Flood Control District 10 - Boise River Canyon Reach 1 (CON01509)	175,000.00		175,000.00
Idaho Soil & Water Conservation District - Sill Creek (CON01488)	10,960.28	(10,960.28)	0.00
Idaho Soil & Water Conservation District - Lower Cottonwood Creek (CON01489)	27,935.20		27,935.20
Idaho Soil & Water Conservation District - Clear Creek (CON01490)	18,570.60	(11,838.06)	6,732.54
City of Bellevue - Lower Howard Preserve (CON01491)	57,880.00	(13,637.49)	44,242.51
Clearwater Soil & Water Conservation District - Louse Creek (CON01492)	24,687.00		24,687.00
Pioneer Irrigation District - Mason Creek (CON01493).....	148,500.00		148,500.00
Raft River Flood Control District 15 - (CON01494)	80,525.00		80,525.00
Lewis Soil Conservation District - Alpine Road (CON01495).....	18,425.30		18,425.30
City of Orofino - Orofino Creek (CON01496).....	200,000.00	(47,500.00)	152,500.00
Twin Falls Canal Company & City of Twin Falls (CON01497)	50,962.00	(50,962.00)	0.00
<i>Uncommitted from HB646 Year 3</i>	<i>0.00</i>		<i>0.00</i>
Total Committed Balance for Year 3	860,945.38	(134,897.83)	726,047.55
Committed for Flood Management Grants	\$2,470,578.50	(\$1,365,928.90)	\$969,751.77
Other Funding Obligations			
ESPA Settlement Water Rentals (HB 843, 2004).....		\$16,000.00	
Large Water Projects Program.....		\$20,544,929.52	
Water Quality Collection Program.....		\$150,000.00	
Committed for Other Funding Obligations		\$20,710,929.52	
Uncommitted Funds.....			\$219,170.16
TOTAL COMMITTED FUNDS BALANCE			\$21,680,681.29

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

Memorandum



To: Idaho Water Resource Board (IWRB)

From: Neeley Miller

Date: May 11, 2021

Re: Proposed Secondary Aquifer Planning, Management & Implementation Fund – FY 2022 Budget

REQUIRED ACTION: Consider Adoption of FY 2022 Proposed Budget

At the May 10, 2021 Finance Committee meeting the FY 2022 budgeting process for the Secondary Aquifer Planning, Management & Implementation Fund (Secondary Aquifer Fund) was discussed. The Finance Committee made a recommendation to the IWRB to adopt the attached budget. Staff will highlight the priorities included in the proposed budget.

Attachment(s):

- 1) Secondary Aquifer Planning, Management & Implementation Funding Resolution
- 2) Attachment A: Proposed Secondary Aquifer Planning, Management & Implementation Fund – FY 2022 Budget

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF STATEWIDE WATER
SUSTAINABILITY AND AQUIFER STABILIZATION,
AND THE SECONDARY AQUIFER STABILIZATION,
AND SECONDARY AQUIFER PLANNING,
MANAGEMENT, AND IMPLEMENTATION FUND
FISCAL YEAR 2022 BUDGET

RESOLUTION TO PASS FISCAL YEAR 2022
BUDGET

1 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates \$5 million
2 annually through 2019 from the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary
3 Aquifer Planning, Management, and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer
4 stabilization; and

5 WHEREAS, House Bill 256 passed and approved by the 2019 Legislature allocated \$5 million in
6 ongoing General Fund dollars to the IWRB's Secondary Aquifer Fund for statewide water sustainability
7 and aquifer stabilization; and

8 WHEREAS, the IWRB has the opportunity to utilize up to \$2.068 million provided by the Idaho
9 National Laboratory for aquifer monitoring in the Eastern Snake Plain Aquifer and the Big Lost Basin
10 Aquifer over a three-year period; and

11 WHEREAS, un-allocated funds already in the Secondary Aquifer Fund will be carried forward into
12 the Fiscal Year 2021 budget; and

13 WHEREAS, many aquifers across Idaho are declining or have existing or potential conjunctive
14 administration water use conflicts, including the Eastern Snake Plain Aquifer, Mountain Home Aquifer,
15 Wood River Valley Aquifer, Big Lost Aquifer, Raft River Aquifer, Malad Valley Aquifer, Treasure Valley
16 Aquifer, Rathdrum Prairie Aquifer, Palouse Basin Aquifer, Lewiston Plateau Aquifer, and others; and

17 WHEREAS, the State of Idaho relies on spring discharge from the Eastern Snake Plain Aquifer
18 (ESPA) through the Thousand Springs to assist in meeting the minimum streamflow water rights at the
19 Murphy Gage established under the Swan Falls Agreement; and

20 WHEREAS, prior to the initiation of significant aquifer stabilization efforts around 2014, the ESPA
21 had been losing approximately 216,000 acre-feet annually from aquifer storage since the 1950's resulting
22 in declining ground water levels in the aquifer and declining spring flows from the aquifer; and

23 WHEREAS, during parts of 2013 and 2014 flows at the Murphy Gage approached the minimum
24 flow, and in 2015 flows at the Murphy Gage went below minimum flows; and

Resolution _____

25 WHEREAS, the ESPA experienced conjunctive administration water use conflicts over the past two
26 decades that had the potential to significantly impact Idaho’s economy; and

27 WHEREAS, on June 30, 2015 members of the Idaho Ground Water Appropriators entered into an
28 agreement with the Surface Water Coalition whereby the ground water users agreed to reduce their
29 consumptive use from the ESPA by 240,000 acre-feet annually and take other actions, and

30 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 138
31 supporting this agreement; and

32 WHEREAS, the State Water Plan includes a goal to accomplish managed recharge in the ESPA
33 averaging 250,000 acre-feet annually; and

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

37 WHEREAS, in 2018 the cities on the ESPA entered into an agreement with the Surface Water
38 Coalition and the Idaho Ground Water Appropriators whereby the cities agreed to enhance the ESPA by
39 an average of 7,650 acre-feet annually; and

40 WHEREAS, the 2019 Idaho Legislature passed and approved House Concurrent Resolution 10
41 supporting this agreement; and

42 WHEREAS, the ground water use reduction and managed recharge are together designed to
43 stabilize and then recover the ESPA; and

44 WHEREAS, a 2016 study commissioned by the IWRB predicts the growing Treasure Valley
45 population could result in an increase in Domestic, Commercial, Municipal, and Industrial water-demand
46 ranging from 109,000 to 188,000 acre-feet per year by the year 2065 ; and

47 WHEREAS, the IWRB approved development of the Treasure Valley Ground Water Model in
48 partnership with the U.S. Geological Survey to support future monitoring of ground water conditions,
49 water use, and administration of ground water and surface water rights, and approved entering into an
50 agreement with the U.S. Bureau of Reclamation to complete the Boise River Storage Feasibility Study to
51 provide additional water supply through new surface water storage, and

52 WHEREAS, conjunctive administration water delivery calls have been made in the Big and Little
53 Wood River Basins against junior-priority upstream ground water uses; and

54 WHEREAS, the Mountain Home aquifer is being over-drafted by about 30,000 acre-feet annually;

55 WHEREAS, the deep aquifer in the Palouse Basin has been declining for decades despite
56 aggressive conservation measures; and

57 WHEREAS, the Department of Water Resources recently enacted Ground Water Management
58 Areas in the Malad Valley Aquifer and the Lewiston Plateau Aquifer in response to declining ground water
59 levels in those aquifers; and

60 WHEREAS, ground water levels in many aquifers are inadequate to sustain a supply of water for
61 surface and ground water irrigation, hydropower, municipal, industrial, and other uses, the curtailment
62 of which would cause severe economic harm to Idaho's economy; and

63 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 137
64 which recognized that stabilizing and enhancing aquifer levels is in the public interest, and directs the
65 IWRB to take actions in aquifers across the state to stabilize and enhance aquifer levels thereby
66 maintaining water supply for consumptive and non-consumptive uses and minimizing harm to Idaho's
67 economy arising from water supply shortages; and

68 WHEREAS, on May 10, 2021 the IWRB Finance Committee recommended the approval of a Fiscal
69 Year 2022 Budget for the use of available funds in the Secondary Aquifer Fund for statewide water
70 sustainability and aquifer stabilization purposes; and

71 NOW THEREFORE BE IT RESOLVED that the IWRB adopts the Fiscal Year 2022 Budget for the
72 continuously-appropriated Secondary Aquifer Planning, Management, and Implementation Fund as
73 shown in Attachment A to this resolution.

74 BE IT FURTHER RESOLVED that the budget may be adjusted if necessary based on the actual
75 amount of Cigarette Tax funds received, interest income received, amount received from the Idaho
76 National laboratory, or the actual amount of carry-over from Fiscal Year 2021.

77 BE IT FURTHER RESOLVED that funds for budgeted ESPA managed recharge infrastructure shall be
78 approved by the IWRB by resolution for each individual project in excess of \$20,000, detailing the terms
79 and conditions of approval, and must include conditions maintaining long-term access for recharge by the
80 IWRB in any facilities owned by others.

81 BE IT FURTHER RESOLVED that expenditures for identified ESPA managed recharge operations,
82 investigations, and engineering for further ESPA managed recharge capacity development may proceed
83 with no further approvals; however, the IWRB shall be kept apprised of such expenditures.

84 BE IT FURTHER RESOLVED that the Idaho National Laboratory funded monitoring and investigation
85 work in the Raft River Basin may proceed with no further approvals up to the total amount provided by
86 the Idaho National Laboratory; however, the IWRB shall be kept apprised of such expenditures.

87 BE IT FURTHER RESOLVED that expenditures for monitoring in support of the Treasure Valley
88 Ground Water Model, for statewide surface water and aquifer monitoring, professional assistance for
89 securing federal funding, and administrative expenses may proceed with no further approvals; however,
90 the IWRB shall be kept apprised of such expenditures.

91 BE IT FURTHER RESOLVED that expenditures for the Operations and Maintenance costs for the
92 Cooperative Cloud Seeding Program, O&M shortages provided by the IWRB, the Cloud Seeding Modeling
93 Project, and Capital Expenses may proceed with no further approvals; however, the IWRB shall be kept
94 apprised of such expenditures. Further, it is the IWRB's stated goal that both the state and the water
95 users financially participate with Idaho Power in the Cooperative Cloud Seeding Program.

96 BE IT FURTHER RESOLVED that all other expenditures from the Secondary Aquifer Fund shall
97 require an additional approval by the IWRB by resolution.

98 BE IT FURTHER RESOLVED that the IWRB may modify this budget during Fiscal Year 2022 at a
99 properly noticed meeting of the IWRB.

DATED this 21st day of May, 2021

Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST _____
Jo Ann Cole-Hansen, Secretary

ATTACHMENT A - Fiscal Year 2022 Secondary Aquifer Planning, Management and Implementation Fund Budget

FY2022 DRAFT PROPOSED BUDGET FOR THE SECONDARY AQUIFER FUND

Carry-Over From FY21	\$	5,000,000
General Fund (SB 1190)	\$	5,000,000
HB547 funds - receipt of Cigarette Tax proceeds	\$	5,000,000
DOE-INL SEP Funds (\$832K over 3 years)	\$	277,000
Estimated interest	\$	100,000
TOTAL	\$	15,377,000

Category		Sub-Category	FY22 Budgeted	
ESPA MANAGED RECHARGE PROGRAM				
ESPA Recharge Operations		Conveyance Cost	\$3,500,000	
		O&M	\$75,000	
		Equipment, Supplies	\$115,000	
		Recharge Monitoring	\$520,000	
		Regional Monitoring	\$225,000	
		TOTAL	\$4,435,000	
ESPA Managed Recharge Infrastructure Projects	Budgeted Projects	ESPA Upper Valley sites	\$1,500,000	*
		Minidoka Irrigation District Recharge Projects	\$300,000	*
		Butte Market Lake Recharge Wells	\$250,000	*
		Enterprize Project	\$200,000	*
		Reserve for Additional Infrastructure Projects	\$500,000	*
	TOTAL	\$2,750,000		
ESPA Recharge Investigations	Budgeted Investigations	Large Upper Valley Project	\$500,000	
	Reserved for additional investigations and engineering	\$500,000		
TOTAL	\$1,000,000			
ESPA MANAGED RECHARGE PROGRAM TOTAL			\$8,185,000	
CLOUD SEEDING PROGRAM				
Operations & Maintenance	Boise, Wood, Upper Snake	IWRB 1/3 Cost Share	\$950,000	
		Program Shortages	\$500,000	
	Bear	Pilot Program	\$300,000	*
	Total	\$1,750,000		
Capital	Weather Instrumentation	Replacement/Enhancement/Upgrade (Year 1 of 5 - Total \$200,000)	\$10,000	
	Total	\$10,000		
Modeling		SNOWIE Data Analysis (Year 1 of 3 - Total \$600,000)	\$200,000	
		HPC Administration	\$43,000	
		Total	\$243,000	
Research & Development	Program Expansion	New Basin Feasibility Studies	\$500,000	*
	Technology	SWEdar Project	\$35,000	*
		Total	\$535,000	
CLOUD SEEDING PROGRAM TOTAL			\$2,538,000	
TREASURE VALLEY				
Monitoring in support of the Treasure Valley model			\$125,000	*
TREASURE VALLEY TOTAL			\$125,000	
RAFT RIVER				
Raft River Hydrologic Characterization			\$225,000	
Hydrologic Monitoring (DOE Funding) (Year 2 of 3 - Total \$832K)			\$277,000	
RAFT RIVER TOTAL			\$502,000	
BIG LOST BASIN				
USGS/IGS Support			\$75,000	
Big Lost Stream gages (one year funding)			\$100,000	
BIG LOST BASIN TOTAL			\$175,000	
PALOUSE BASIN				
Water Supply Alternatitives Next Steps			\$250,000	*
PALOUSE BASIN TOTAL			\$250,000	
BEAR RIVER BASIN				
Tri-State Water Sustainability Initiative			\$250,000	*
BEAR RIVER BASIN TOTAL			\$250,000	
LEWISTON				
Future Water Sustainability Project			\$250,000	*
LEWISTON TOTAL			\$250,000	
MOUNTAIN HOME/ELMORE COUNTY				
Mountain Home/Elmore County Water Sustainability Projects			\$700,000	*
MOUNTAIN HOME/ELMORE COUNTY TOTAL			\$700,000	
LEMHI BASIN				
Support of Water Sustainability Initiatives			\$500,000	*
LEMHI BASIN TOTAL			\$500,000	
STATEWIDE				
Administrative expenses (public information, staff training, Riverware Maintenance, etc)			\$85,000	
Professional Assistance for Federal Issues			\$100,000	
Statewide surface water and aquifer monitoring			\$300,000	
STATEWIDE TOTAL			\$485,000	
GRAND TOTAL			\$ 13,960,000	
Reserve for Work in Other Priority Aquifers Total			\$ 1,417,000	
* Items that will require an additional Board resolution to authorize expenditure of funds				

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF POINT SPRINGS GRAZING
ASSOCIATION FUNDING REQUEST

RESOLUTION TO AUTHORIZE FUNDING FOR
NEW WELL

1 WHEREAS, Point Springs Grazing Association (Association) submitted a loan application to the
2 Idaho Water Resource Board (IWRB) in the amount of \$20,000.00 for the drilling of a new ground water
3 well (Project); and
4

5 WHEREAS, the Association holds a grazing allotment on 13,000 acres of land owned by the
6 Bureau of Land Management (BLM); and
7

8 WHEREAS, the Association rotates cattle between two areas of the allotment known as the Cold
9 Springs area and the Meadow Creek area, to allow for periods of rest; and
10

11 WHEREAS, water in the Meadow Creek area is provided by an existing ground water well and 6
12 miles of pipeline supplying several watering stations; and
13

14 WHEREAS, water in the Cold Springs area is currently supplied by a spring which is no longer
15 able to provide a sustainable supply. The Association will need to drill a new ground water well in this
16 area to supply water and allow for continued rotation of its livestock; and
17

18 WHEREAS, the total estimated cost for the Project is \$20,000; and
19

20 WHEREAS, the Association currently holds a loan with the IWRB, with a remaining balance of
21 \$17, 335.53. The Association is requesting to roll the balance from its existing loan, into a new loan that
22 includes funding for the proposed well project in the Cold Springs area; and
23

24 WHEREAS, the Association is requesting a new loan of \$37,335.53; and
25

26 WHEREAS, the Association 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 \$20,000 from
33 the Revolving Development Account at 3.5% interest with a 10-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 Association 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 Association shall comply with all applicable rules and regulations that apply to the
41 proposed Project.
42 2) The Association will provide acceptable security for the loan including, but not limited to, all
43 existing assets held as collateral under the Associations current loan agreement with the
44 IWRB.
45

DATED this 21th day of May, 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 PERMANENT RENTAL OF
SAWTOOTH VALLEY WATER RIGHTS

RESOLUTION TO MAKE A FUNDING
COMMITMENT

1 WHEREAS, Chinook and Sockeye salmon, steelhead, and bull trout habitat in the Upper Salmon
2 River basin is limited by low flow conditions and high water temperatures; and
3

4 WHEREAS, it is in the interest of the State of Idaho to augment stream flows and provide habitat
5 in the Upper Salmon River Basin to encourage recovery of ESA-listed Chinook and Sockeye salmon,
6 steelhead, and bull trout fish; and
7

8 WHEREAS, the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to
9 providing incentives for improving fish habitat which includes improving or protecting flow conditions to
10 augment stream flows; and
11

12 WHEREAS, Alturas Lake Creek, Valley Creek, and the Upper Salmon River have been identified as
13 high priority streams for flow restoration efforts, to provide high quality habitat for anadromous Chinook
14 and Sockeye salmon, steelhead and resident bull trout; and
15

16 WHEREAS, as provided for in the Nez Perce Agreement, the Idaho Water Resource Board (Board)
17 established minimum streamflow Water Rights 71-10890 on Alturas Lake Creek, 71-10886 on Valley
18 Creek, and 72-16668 on the Salmon River to be met through water right rentals or acquisitions under state
19 law; and
20

21 WHEREAS, the United States Forest Service (USFS) owns Water Right Nos. 71-41, 71-42B, 71-43B,
22 71-49B, 71-50, 71-59, 71-61, 71-64B, 71-66, 71-68, 71-2004D, 71-2053A, 71-7002, 71-10277, 71-10278,
23 71-10728, 71-10766, 71-10772 and 71-10871 (Water Rights) on Alturas Lake Creek, Valley Creek, the
24 Salmon River, and several Salmon River tributaries, and has leased the referenced rights into the Idaho
25 Water Supply Bank; and
26

27 WHEREAS, the Board, pursuant to Section 42-1734, Idaho Code, has the authority to acquire,
28 purchase, lease, or exchange land, rights, water rights, easements, franchises, and other property deemed
29 necessary or proper for the construction, operation, and maintenance of water projects; and
30

31 WHEREAS, the USFS desires to protect the Water Rights in stream and offers them to the Board
32 for rental and permanent delivery to Board minimum stream flow Water Right Nos. 71-10890, 71-10886,
33 and 72-16668; and
34

35 WHEREAS, the permanent rental of the Water Rights is in the public interest, and is consistent
36 with the State Water Plan and intent of the Nez Perce Agreement; and
37

38 WHEREAS, the total rate of the flow from the Water Rights is 124 cfs, resulting in a one-time rental
39 fee of \$14,941.20 to be paid to the Idaho Water Supply Bank; and
40

41 WHEREAS, funds are available in the Board's Revolving Development Account to cover the cost of
42 the one-time rental fee; and
43

44 NOW THEREFORE BE IT RESOLVED that the Board authorizes expenditure of a one-time rental fee
45 in the amount of fourteen thousand, nine hundred forty-one dollars and twenty cents (\$14,941.20) to the
46 Idaho Water Supply Bank from the Board's Revolving Development Account.
47
48

DATED this 21st day of May 2021.

Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST _____
Jo Ann Cole-Hansen, Secretary

Memorandum



To: Idaho Water Resource Board
From: Remington Buyer, Water Supply Bank Coordinator
Date: May 6th, 2021
Re: Amended Procedures for the Upper Snake River Rental Pool

REQUIRED ACTION: The Board may by resolution approve of amended rental pool procedures.

The Advisory Committee for Water District 1, also known as the Committee of Nine, is the IWRB-appointed local committee authorized to facilitate leases and rentals of storage water in the Upper Snake River Rental Pool. On March 2nd, 2021, the Committee of Nine adopted amended rental pool procedures for 2021. Pursuant to Water Supply Bank rules (IDAPA 37.02.03.40.05), the Board may approve of the 2021 amended procedures.

Attachment(s): 1. Amended Rental Pool Procedures for 2021 (Redlined Version);
2. Review Memo – Upper Snake River Rental Pool Procedures 2021 Procedures;
3. IWRB Resolution – In the Matter of Approving Amended Procedures for the Upper Snake River Rental Pool for 2021.

DRAFT PROPOSED

WATER DISTRICT 1

~~2020~~ 2021 RENTAL POOL PROCEDURES

03/02/2021

TABLE OF CONTENTS

PROCEDURE ~~RULE~~ 1.0 LEGAL AUTHORITY

PROCEDURE ~~RULE~~ 2.0 DEFINITIONS

PROCEDURE ~~RULE~~ 3.0 PURPOSES

PROCEDURE ~~RULE~~ 4.0 MANAGEMENT

- 4.1 Manager
- 4.2 Rental Pool Subcommittee
- 4.3 Applications
- 4.4 Rental Pool Account
- 4.5 Infrastructure Fund
- 4.6 Diversions Not Regulated by the District

PROCEDURE ~~RULE~~ 5.0 COMMON POOL

- 5.1 Scope
- 5.2 Participant Contributions
- ~~5.3 Assignments~~
- 5.34 Priorities for Renting Storage
- ~~5.45~~ Rental Prices
- ~~5.56~~ Limitations

PROCEDURE ~~RULE~~ 6.0 PRIVATE LEASES

- 6.1 General
- 6.2 Purposes
- 6.3 Payment to Lessor
- 6.4 Fees & Surcharges
- 6.5 Non-Applicability to Common Pool
- 6.6 Recharge
- 6.7 Idaho Water Resource Board (IWRB) Storage
- 6.8 Lease of Storage from Bureau Uncontracted Space
- 6.9 Lease of Storage from Bureau Powerhead Space

PROCEDURE ~~RULE~~ 7.0 IMPACTS

- 7.1 Determination
- 7.2 Milner Spill
- 7.3 Impacts to Participants due to Rentals from the Common Pool (~~excluding~~
~~Assignments~~)
- 7.4 Impacts to Non-Participants due to Rentals from the Common Pool (~~excluding~~
~~Assignments~~)
- 7.5 Impacts to Spaceholders due to all other leases and assignments.

PROCEDURE ~~RULE~~ 8.0 SUPPLEMENTAL POOL

- 8.1 Purpose
- 8.2 Annual Authorization Required
- 8.3 Quantity and Price Determinations
- 8.4 Application to Lease Storage from the Supplemental Pool
- 8.5 Supplemental Pool Supply
- 8.6 Notice of Contract Approval and Payment to Lessors
- 8.7 November 1 Carryover Unaffected

PROCEDURE ~~RULE~~ 9.0 STORAGE ALLOCATED TO PALISADES WATER USERS

- 9.1 Background and Purpose
- 9.2 Delivery of PWUI Storage Water
- 9.3 Private Lease of PWUI Storage Water
- 9.4 Applicability of Rule 5.6 to PWUI Storage
- 9.5 Allocation of Impacts to PWUI
- 9.6 Information Provided to District
- 9.7 Assignment of PWUI Shares to Canal Headings

PROCEDURE 10.0 ASSIGNMENT POOL

- 10.1 Purpose
- 10.2 Assignors
- 10.3 Limitations
- 10.4 Distribution of Assigned Storage
- 10.5 Applications to Purchase Assigned Storage for Uses above Milner
- 10.6 Applications to Purchase Assigned Storage for Flow Augmentation
- 10.7 Rental Prices for Assigned Storage
- 10.8 Application Approval and Deliveries to Diversions in Water Districts other than Water District #1
- 10.9 Rental Refunds

APPENDIX

- ❖ Table 1: Flow Augmentation Rental Chart for Procedure 5.2.105(a)
- ❖ Application Form to **Rent** Storage **from** the **Common Pool**
- ❖ Application Form to **Rent** Storage **from** the **Assignment Pool**
- ❖ Two-party Private Lease Agreement (all purposes)
- ❖ One-party Private Lease Agreement for groundwater recharge
- ❖ **Assignment Form** for spaceholder to **supply** storage to **Assignment Pool**
- ❖ **Supplemental Pool Form** for spaceholder to **supply** storage to **Supplemental Pool**

2020~~21~~
WATER DISTRICT 1
RENTAL POOL PROCEDURES

PROCEDURE RULE 1.0 LEGAL AUTHORITY

- 1.1 These procedures have been adopted by the Water District 1 Committee of Nine pursuant to Idaho Code § 42-1765.
- 1.2 These procedures shall not be interpreted to limit the authority of the Idaho Department of Water Resources, the Idaho Water Resource Board, or the Watermaster of Water District 1 in discharging their duties as prescribed by statute or rule.
- 1.3 These procedures shall be interpreted consistent with Idaho Code, rules promulgated by the Idaho Water Resource Board, relevant provisions of spaceholder contracts with the United States, and the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement.
- 1.4 The operation of the rental pool shall in no way recognize any obligation to maintain flows below Milner or to assure minimum stream flows at the United States Geological Survey (USGS) gaging station on the Snake River near Murphy.
- 1.5 These procedures shall not be interpreted in any manner that is inconsistent with or would adversely impact or effect the rights of the Shoshone-Bannock Tribes as set out in the Fort Hall Agreement, the Blackfoot River Equitable Adjustment Settlement Agreement, and the 2015 Settlement Agreement between the Tribes and the Committee of Nine.

PROCEDURE RULE 2.0 DEFINITIONS

- 2.1 **Accounting Year:** the Water District 1 accounting year that begins on November 1 and ends on October 31.
- 2.2 **Acre-foot:** a volume of water sufficient to cover one acre of land one foot deep and is equal to 43,560 cubic feet.
- 2.3 **Administrative Fee:** a fee of ~~one dollar and thirty cents (\$1.30)~~ per acre-foot assessed on the total quantity of storage set forth in any rental or lease application, disbursed to the District at the end of the irrigation season.
- 2.4 **Allocation:** the amount of stored water, including carryover that has accrued to a spaceholder's storage space on the date of allocation that is available for the spaceholder's use in the same accounting year.
- 2.5 **Applicant:** a person who files with the Watermaster an application, accompanied by the required fees, to rent or lease storage through the rental pool.
- 2.6 **Assignment:** storage provided by an assignor from the current year's storage allocation for rental through the ~~common~~ assignment pool pursuant to ~~Rule 5.3~~ Procedure 10.

- ~~2.7~~ **Assignment Pool:** storage made available to the Committee through assignor contributions for subsequent rental pursuant to Procedure 10.
- ~~2.87~~ **Assignor:** a participant who assigns storage to the ~~common~~ assignment pool pursuant to Rule ~~5.3~~ Procedure 10 and subject to Rule 7.5.
- ~~2.98~~ **Board:** the Idaho Water Resource Board (IWRB).
- ~~2.109~~ **Board Surcharge:** a surcharge equal to ten percent (10%) of the rental price or lease price assessed on the total quantity of storage set forth in any rental or lease application, disbursed to the Board at the end of the irrigation season.
- ~~2.110~~ **Bureau:** the United States Bureau of Reclamation (USBR).
- ~~2.121~~ **Committee:** the Committee of Nine, which is the advisory committee selected by the members of Water District 1 at their annual meeting and appointed as the local committee by the Board pursuant to Idaho Code § 42-1765.
- ~~2.132~~ **Common Pool:** storage made available to the Committee through participant contributions and/or assignments for subsequent rental pursuant to ~~Rule~~ Procedure 5.
- ~~2.143~~ **Date of Allocation:** the date determined each year by the Watermaster on which the maximum accrual to reservoir spaceholders occurs.
- ~~2.154~~ **Date of Publication:** the date on which the Watermaster publishes on the District website the storage allocation for the current accounting year.
- ~~2.165~~ **Department:** the Idaho Department of Water Resources (IDWR).
- ~~2.176~~ **District:** The District is comprised of the Snake River and tributaries with Basins 01, 21, 22, 23, and 25 points of diversion.
- ~~2.187~~ **Impact Fee:** a fee added to the rental price for non-spaceholder rentals pursuant to ~~Rule 5.5.107.~~
- ~~2.18~~ **Impact Fund:** a fund maintained by the Watermaster for the mitigation of computed impacts to participants pursuant to ~~Rule~~ Procedure 7.3.
- ~~2.19~~ **Infrastructure Fund:** a fund maintained by the Watermaster for the purposes outlined in ~~Rule~~ Procedure 4.5.
- ~~2.20~~ **Lease:** a written agreement entered into between a lessor and lessee to lease storage through the rental pool pursuant to ~~Rule~~ Procedure 6.
- ~~2.21~~ **Lease Price:** a price per acre-foot negotiated between a lessor and lessee as set forth in a lease agreement.

- 2.22 **Lessee:** a person who leases storage from a participant under a lease.
- 2.23 **Lessor:** a participant who leases storage to a person under a lease pursuant to ~~Rule~~ Procedure 6 and subject to ~~Rule~~ Procedure 7.5.
- 2.24 **Milner:** Milner Dam on the Snake River.
- 2.25 **Milner Spill:** water in excess to the amount that ~~can be~~ is captured in the reservoir system flowing past Milner Dam that is not storage being delivered under Idaho Power's American Falls storage water right or other storage that is otherwise authorized pursuant to these rules.
- 2.26 **Net Price:** the average price per acre-foot of all rentals from the common pool or assignment pool, including flow augmentation, ~~but excluding rentals of assigned storage.~~
- 2.27 **Net Proceeds:** the net price times the number of acre-feet rented from the common pool or assignment pool, ~~excluding rentals of assigned storage.~~
- 2.28 **Participant:** a spaceholder who contributes storage to the common pool pursuant to ~~Rule~~ Procedure 5.2.
- 2.29 **Participant Contributions:** storage made available to the common pool by participants, with computed impacts accounted from next year's reservoir fill, which forms the supply for large rentals, small rentals, and flow augmentation pursuant to Table 1, subject to the limitations in ~~Rule~~ Procedure 5.2.
- 2.30 **Person:** an individual, corporation, partnership, irrigation district, canal company, political subdivision, or governmental agency.
- 2.31 **Rent:** the rental of storage from the common pool, supplemental pool, or assignment pool.
- 2.32 **Rental Pool:** the processes established by these procedures for the rental and/or lease of storage, mitigation of computed impacts to spaceholders, and disposition of revenues.
- 2.33 **Rental Pool Subcommittee:** a subcommittee composed of the Watermaster (advisor), a designated representative from the Bureau (advisor), and three or more members or alternates of the Committee who have been appointed by the chairman of the Committee.
- 2.34 **Rental Price:** the price per acre-foot of storage rented from the common pool, supplemental pool, or assignment pool, as set forth in ~~Rule~~ Procedures 5.45, 8.0, and 10.7, excluding the administrative fee, ~~the and~~ Board surcharge, ~~and the infrastructure fee.~~
- 2.35 **Renter:** a person who rents storage from the common pool, supplemental pool, or assignment pool.
- 2.36 **Reservoir System:** refers to American Falls, Grassy Lake, Henrys Lake, Island Park, Jackson Lake, Lake Walcott, Milner Pool, Palisades, and Ririe.

- 2.37 **Space:** the active capacity of a reservoir measured in acre-feet.
- 2.38 **Spaceholder:** the holder of the contractual right to the water stored in the space of a storage facility within the Reservoir System.
- 2.39 **Storage:** the portion of the available space that contains stored water.
- 2.40 **Supplemental Pool:** storage made available to the Committee through participant consignments for subsequent rental pursuant to Procedure 8.
- 2.41~~0~~ **Watermaster:** the watermaster of Water District 1.
- 2.42~~1~~ **Water Supply Forecast:** the forecasted unregulated runoff for April 1 to September 30 at the Heise USGS gaging station, referred to in Table 1.

PROCEDURE RULE 3.0 PURPOSES

- 3.1 The primary purpose of the rental pool is to provide supplemental irrigation water to spaceholders for the irrigation of District land with an existing primary irrigation water right and to maintain a rental pool with sufficient incentives such that spaceholders supply, on a voluntary basis, an adequate quantity of storage for rental or lease pursuant to procedures established by the Committee. These procedures are intended to: a) assure that participants have priority over non-participating spaceholders and non-spaceholders in renting storage through the rental pool; b) assure that non-participating spaceholders are not impacted; and c) rentals occurring through the assignment pool and supplemental pool do not impact other spaceholders and the use of the storage occurs within the District.
- 3.2 To maintain adequate controls, priorities, and safeguards to insure that existing water rights are not injured and that a spaceholder's allocation is not impacted without his or her consent. To financially compensate an impacted participating spaceholder in the common pool as to the extent the impact can be determined by the procedures developed by the District.
- 3.3 ~~To generate revenue to offset the costs of the District to operate the rental pool and to fund projects that fall within the parameters of Rule 4.5.~~
- 3.4 To provide storage water at no cost under ~~Rule~~ Procedure 5.0 for the benefit of the Tribes consistent with the terms of the Blackfoot River Equitable Adjustment Settlement Agreement and the 2015 Settlement Agreement. Discussions are ongoing to identify the party responsible for mitigating impacts to the Tribes. Nothing in these Procedures should be construed as an admission of liability by Water District 1 or the Committee of Nine.

3.45 To prevent further declines in the Eastern Snake Plain Aquifer and tributary spring flows and reach gains, and to ensure new consumptive uses within the District do not further impact the storage supply and the primary purpose of the rental pool as described in Rule Procedure 3.1, the following shall apply:

- 3.45.101 ~~A moratorium on all private leases and common pool rentals that:~~
- ~~a) deliver water to new lands or mitigate for new lands' diversions, which have not~~
 - ~~i. historically and legally had a water right delivered from any source prior to 2019, or~~
 - ~~ii. had contracted storage water delivered by the District, or~~
 - ~~iii. had rented or leased storage water, delivered from the District within the last 5 years;~~
 - ~~b) deliver to lands or providing mitigation for lands where a water right or storage use was transferred off said lands, inside or outside the District.~~

A moratorium on all private leases, assignment and common pool rentals that deliver water to new lands or mitigate for diversion of water on new lands, except when:

- (a) a water right was legally delivered to the lands from any source prior to 2019; or
- (b) contracted storage water was delivered by the District prior to 2019 for mitigation for the use of water on new lands; or
- (c) rented storage water was delivered to the lands from the District within the last 5 years.

The moratorium also prohibits rentals for delivery to lands or providing mitigation for lands where a water right or storage use was transferred off said lands, inside or outside the District.

- 3.45.102 The following exceptions apply to the above moratorium:
- (a) Small rentals under Rule Procedure 5.2.104;
 - (b) Domestic, commercial, municipal, and industrial uses authorized pursuant to a decreed or licensed storage water right and spaceholder contract; and
 - (c) Land that subsequent to the adoption of Rule Procedure 3.45, is authorized for irrigation purposes under a water organization project's owned water right and other provisions of state law.

- 3.45.103 All private lessees or rental pool applicants shall certify that the respective private lease or rental pool application complies with the requirements set forth above. Lessees and Applicants that have had prior leases or rentals approved prior to 2019 that would otherwise be prohibited by this rule may present such information to the Watermaster and Committee to show why such lease or application should be approved. Further, the Watermaster and any spaceholder may raise any issues derived from this moratorium in regards to any private lease or rental application which shall be resolved by the Committee.

PROCEDURE RULE 4.0 MANAGEMENT

- 4.1 **Manager.** The Watermaster shall serve as the manager of the rental pool and shall ~~take all reasonable actions necessary to~~ administer the rental pool consistent with these procedures, which include, but are not limited to:
- (a) Determining impacts pursuant to ~~Rule~~ Procedure 7;
 - (b) Calculating payments to participating spaceholders as prescribed by ~~Rules~~ Procedures 5.2 and 7.3;
 - (c) Accepting storage into the common pool, assignment pool, and executing rental agreements on behalf of the Committee;
 - (d) Disbursing and investing rental pool monies with the advice and consent of the Rental Pool Subcommittee; and
 - (e) Taking such additional actions as may be directed by the Committee.
- 4.2 **Rental Pool Subcommittee.** The Rental Pool Subcommittee shall exercise the following general responsibilities:
- (a) Review these procedures and, as appropriate, make recommendations to the Committee for needed changes;
 - (b) Review reports from the Watermaster regarding rental applications, storage assignments to the ~~common~~ assignment pool, and leases of storage through private leases;
 - (c) Advise the Committee regarding rental pool activities;
 - (d) Develop recommendations for annual common pool storage supplies and rental rates;
 - (e) Assist the Watermaster in resolving disputes that may arise from the diversion of excess storage; and
 - (f) Assume such additional responsibilities as may be assigned by the Committee.
- 4.3 **Applications**
- 4.3.101 Applications to rent or lease storage through the rental pool shall be made each year upon forms approved by the Watermaster and shall include:
- (a) The amount of storage sought to be rented or leased;
 - (b) The purpose(s) for which the storage will be put to beneficial use;
 - (c) The lease price (for private leases); ~~and~~
 - (d) To the extent practicable at the time of filing the application, the point of diversion identified by legal description and common name; and a description of the place of use; and
 - (e) Certification that the rental or lease is not subject to moratorium under ~~Rule Procedure 3.45~~ Procedure 3.45 above.
- 4.3.102 *Application Acceptance.* Applications are not deemed accepted until received by the Watermaster together with the appropriate fees required under ~~Rules~~ Procedures 5.45 and 10.7 (rentals) or 6.4 (leases).
- 4.3.103 *Application Approval.* An application accepted under ~~Rule~~ Procedure 4.3.102 shall be approved after the Watermaster has determined that the application is in compliance with these procedures and sufficient storage will be available from the common pool, assignment pool, and/or lessor to provide the quantity requested in the application. Upon approval of the application, the Watermaster shall send notice to the renter/lessor/lessee and entity owning the point of diversion designated in the application of such approval and allocation of storage; provided, however, no allocation of storage shall be made until the

applicant designates the point of diversion and place of use of the rented and/or leased storage in the application or pursuant to ~~Rule~~ Procedure 4.3.106.

- 4.3.104 *Timeframe for having Rental Application Accepted to Preserve Rental Priority.* Applications to rent storage will not be accepted until April 5 of the year in which the storage will be used. Applications must be accepted by the Watermaster within 15 days following the date of publication to preserve the applicant's priority under ~~Rule~~ Procedure 5.~~3~~4.101.
- 4.3.105 *Deadline for Accepting Applications to Rent or Lease Storage.* All applications to rent or lease storage must be accepted by the Watermaster pursuant to ~~Rule~~ Procedure 4.3.102 on or before November 30 in order for the storage identified in such applications to be accounted for as having been diverted prior to October 31 of the same year. Applications accepted after November 30 will be accounted for from storage supplies in the following calendar year, unless an exception is granted by the Rental Pool Subcommittee.
- 4.3.106 *Deadline to Designate Point of Diversion and Place of Use.* If the point of diversion and/or place of use of the rented and/or leased storage was not previously designated in the application, the renter and/or lessee must make such designation in writing to the Watermaster on or before November 30 of the same year, unless an extension is granted by the Rental Pool Subcommittee. Failure to comply with this provision shall cause any unused storage to automatically revert back to the common pool, assignment pool, and/or lessor, respectively.
- 4.3.107 *Deadline to Use Rental or Lease Storage.* Approved applications pursuant to ~~Rule~~ Procedure 4.3 or water leased through a private lease, must be used and diverted on or before November 30 of the same year.
- 4.3.108 *Reporting Requirements for Leases and Assignments to Points of Diversion on Sources Not Regulated by the Water District #1 Watermaster.* To keep Water District #1 assessments, administrative fees, and regulation costs to a minimum, approved rental leases and assignments to points of diversion on sources not regulated by Water District #1 (e.g. Portneuf River, Wood River, Silver Creek, etc.) must have their daily cfs or acre-feet of rental diversions measured by the watermaster of the water district containing the points of diversion receiving the rental storage and then reported by the watermaster of that district to the Water District #1 Watermaster by November 30 of the year storage is rented. Daily diversion reports from individual renters in water districts other than Water District #1 will not be accepted by the Water District #1 Watermaster. Failure of the watermasters in other districts to report to the Water District #1 Watermaster the daily rental storage deliveries within their district by November 30 will result in the rental pool storage not being delivered in the Water District #1 final water right accounting. No refunds for rental prices or fees will be issued to lessors, lessees, or renters when daily deliveries are not reported by the watermaster responsible for the regulation of the points of diversion or re-diversion on the source rental storage is being injected or exchanged with sources from Water District #1.

4.4 **Rental Pool Account**

4.4.101 All monies submitted by applicants shall be deposited in an interest-bearing account known as the “Rental Pool Account” and maintained by the Watermaster on behalf of the Committee. Monies in the Rental Pool Account will be disbursed to participants, the District, the Board, the Impact Fund, and the Infrastructure Fund in the proportions set forth in these Rules. Accrued interest to the Rental Pool Account shall be used to maintain the Impact Fund. Rental Pool Funds shall be considered public funds for investment purposes and subject to the Public Depository Law, Chapter 1, Title 57, Idaho Code.

4.4.102 Monies deposited in the Rental Pool Account are non-refundable to the extent the rental and/or lease application is approved pursuant to ~~Rule~~ Procedure 4.3.103, regardless of whether the storage is used.

4.5 **Infrastructure Fund**

4.5.101 Monies in the Infrastructure Fund may only be used to fund District costs of projects relating to improvements to the District’s distribution, monitoring, and gaging facilities, and other District projects designed to assist in the adjudication, which includes the cost of Blackfoot River Equitable Adjustment Settlement Water, if any is required, conservation, or efficient distribution of water.

4.5.102 Disbursements from the Infrastructure Fund are subject to two-thirds (2/3) Committee approval.

4.5.103 Monies in the Infrastructure Fund may be carried over from year to year.

4.6 ~~**Rentals and Leases Requiring Approved Exchanges from the Department.** Rental and lease deliveries to diversions in basins not regulated by Water District #1 may interfere with natural flow and storage deliveries to diversions. Therefore, rental and lease applications for delivery and/or exchange with natural flow to other diversions not regulated by Water District #1 shall not be permitted.~~

Diversions not Regulated by the District. Water District #1 and/or its spaceholders will not accept responsibility or liability for any interference to natural flow or storage deliveries that result from rentals or leases to diversions within other water districts.

PROCEDURE RULE 5.0 COMMON POOL

5.1 **Scope.** The common pool consists of storage made available to the Committee through participant contributions ~~and assignments~~. Participants make all of their storage available to the common pool pursuant to the terms of ~~Rule~~ Procedure 5.2, with computed impacts accounted from next year's reservoir fill. ~~Assignors provide storage to the common pool, pursuant to Rule 5.3, by assigning a portion of their current year's storage allocation. Rentals from the common pool are subject to the priorities and prices established under this Rule.~~

5.2 Participant Contributions

5.2.101 *Participants.* Any spaceholder may, upon submitting written notice to the Watermaster prior to March 15 of the current year ~~2020~~, elect to contribute storage to the common pool for the current year. Any spaceholder making such election shall be deemed a "participant" for the current year and every year thereafter until the spaceholder provides written notice to the Watermaster prior to March 15 of the year ~~2019~~ rescinding its participation. Upon election to participate, a spaceholder is eligible for all the benefits of a participant set forth in these procedures, excluding monetary payment for rentals or computed impacts associated with rentals from the prior year. If after March 15, ~~2019~~, less than seventy-five percent (75%) of the contracted storage space is committed to the common pool by participants, the Committee shall revise the rental pool procedures as necessary prior to April 1.

5.2.102 *Non-Participants.* Spaceholders who are not participants shall not be entitled to supply storage to, or rent storage from the common pool, ~~or supply or lease storage through a private lease~~. Notwithstanding this restriction, the Bureau may rent flow augmentation water from the common pool in the amounts identified in ~~Rule~~ Procedure 5.2.105.

5.2.103 *Large Rentals.* The common pool will make available from participant contributions 50,000 acre-feet of storage for rentals, ~~plus any assigned storage~~, subject to the priorities and limitations set forth in ~~Rule~~ Procedure 5.

5.2.104 *Small Rentals.* The common pool will make available from participant contributions 5,000 acre-feet for rentals of 100 acre-feet or less per point of diversion for diversions regulated by the Water District #1 Watermaster, subject to the priorities and limitations set forth in Rule 5. Rentals from the small pool shall only be considered for approval following submittal of written consent from the operator of the delivery system. The Committee may approve on a case-by-case basis the additional rental of storage under this provision to exceed the 100 acre-feet limitation. The 100 acre-feet limitation per point of diversion does not apply if the rental is supplied pursuant to ~~Rule~~ Procedure 5.2.103.

5.2.105 *Flow Augmentation*

- (a) *Table 1.* The amount of storage, from participant contributions to the common pool, available for rental for flow augmentation shall be determined by Table 1 shown in the Appendix of these procedures.
- (b) *Extraordinary Circumstances (Additional Flow Augmentation).* ~~A greater amount of storage may be made available by the Committee, if it determines on or before July 1 that extraordinary circumstances justify a change in the amount of storage made available for flow augmentation. The Bureau and Committee will also consider on years when Milner spill occurs, the preservation of Uncontracted and Powerhead storage for use in subsequent years; provided, the Bureau exercises sole discretion over whether to use storage in its Uncontracted and Powerhead space for flow augmentation, so long as such use is consistent with the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement and applicable law.~~

Upon a request by the Bureau for additional Water District 1 rentals consistent with the terms of the 2004 Snake River Agreement and these Procedures to further flow augmentation reliability as modeled in the 2007 Biological Assessment, the Committee shall consider making available a greater amount of storage rental if it determines on or before July 1 that extraordinary circumstances justify an additional amount of storage be made available for flow augmentation and existing uses (legal and equitable title to storage rights) are protected consistent with the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement. The Bureau and Committee will also consider on years when Milner spill occurs, the preservation of Uncontracted and Powerhead storage for use in subsequent years; provided, the Bureau exercises sole discretion over whether to use storage in its Uncontracted and Powerhead space for flow augmentation, so long as such use is consistent with the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement and applicable law.

5.2.106 *Shoshone-Bannock Tribes.* The Tribes shall be treated as non-participants unless written notice is provided by the Tribes under Procedure 5.2.101.

- (a) *Blackfoot River Equitable Adjustment Settlement Agreement Water.* Storage water not to exceed 20,000 acre-feet shall be made available in accordance with the terms of the Blackfoot River Equitable Adjustment Settlement Agreement. The source and funding of the storage water shall be determined by the Committee at its June meeting. Administrative fees shall be paid by Water District 1.
- (b) *2015 Settlement Agreement.* Storage water not to exceed 10,000 acre-feet (except with the approval of the Committee of Nine) shall be made available in accordance with the terms of the 2015 Settlement Agreement from the current year's Common Pool prior to providing any rental under the priorities of Rule Procedure 5.34.101. Administrative fees shall be paid by Water District 1. Discussions are ongoing to identify the party responsible for mitigating impacts to the Tribes. Nothing in these Procedures should be construed as an admission of liability by Water District 1 or the Committee of Nine.

5.2.107 *Additional Quantities.* In the event rental requests from participants impacted from the prior year's rentals exceed 50,000 acre-feet ~~and insufficient storage has been assigned to the common pool to meet such additional requests,~~ the maximum amount of storage that will be available through the common pool will be equivalent to the amount necessary to meet the demand of those shown to have been impacted from the prior year's rentals.

5.2.108 *Participant Payments.* Monies collected through the rental of the participant contribution portion of the common pool, including flow augmentation, shall be disbursed as follows:

- (a) seventy percent (70%) of the Net Proceeds disbursed to participants; and
- (b) thirty percent (30%) of the Net Proceeds disbursed to the Impact Fund.

5.2.109 *Participant Payment Formula.* Participants will receive payment for storage rented from the participant contribution portion of the common pool pursuant to the following payment formulas:

$$\begin{aligned} 1^{\text{st}} \text{ Installment} &= (R \times SP/TSP) / 2 \\ 2^{\text{nd}} \text{ Installment} &= (R \times ST/TST) / 2 \end{aligned}$$

R = 70% of net proceeds
SP = Space of participants
ST = Storage of participants based on the preliminary storage allocation for the following year
TSP = Total participating space in system
TST = Total participating storage in system based on the preliminary storage allocation for the following year

If a specific reservoir's allocation has been reduced as a result of flood-control operations, the ST and TST values in the above formula for those reservoir spaceholders will reflect the values that otherwise would have occurred without any reductions for flood-control.

- 5.2.110 *Timing of Payments.* Payments to participants will be made in two installments. The first installment will be paid to participants in December of the year in which the proceeds were collected. The second installment will be paid to participants within two weeks of the date of publication for the following irrigation season.

~~5.3~~ **Assignments**

~~5.3.101 *Assignors.* Any participant may assign storage to the common pool. An assignment of storage shall be made in writing on forms approved by the Watermaster.~~

~~5.3.102 *Purposes.* Storage assigned to the common pool may be rented only for purposes above Milner.~~

~~5.3.103 *Limitations.* Storage assigned to the common pool may be rented only after the participant contributions to the common pool have been rented. A participant may not assign storage and rent storage in the same accounting year unless an exception is granted by the Rental Pool Subcommittee.~~

~~5.3.104 *Assignor Payment.* The assignor shall receive one hundred percent (100%) of the rental price per acre foot of the assigned storage that is rented.~~

~~5.3.105 *Distribution of Assigned Storage.* Assignments can only be made between April 5 and 15 days after the date of publication in the year in which the storage is to be rented. Assignments shall initially be distributed on a pro rata basis, with each pro rata share based on the amount of storage assigned or 10% of the assignor's storage space, whichever is less. If, after this initial distribution, additional rental requests exist, the remaining assigned storage shall be distributed on a pro rata basis.~~

5.34 Priorities for Renting Storage

5.34.101 *Priorities.* Storage rented from the common pool shall be pursuant to the following priorities:

- (a) *First Priority.* Rentals by participants whose storage is determined to have been impacted by the prior year's rental from the common pool not to exceed the amount of the computed impact.
- (b) *Second Priority.* Rentals by participants for their spaceholder contracted purposes up to the amount of their unfilled space.
- (c) *Third Priority.* Rentals by participants for any purposes above Milner in excess of their unfilled space. Applications for such rentals will be reviewed by the Committee and may be approved on a case-by-case basis.
- ~~(d) *Fourth Priority.* Rentals by non spaceholders for any purposes within the District.~~

5.34.102 *Priority for Late Applications.* Applications received after the deadline set forth in ~~Rule~~ **Procedure** 4.3.104 will be deemed last in priority and will be filled in the order they are received, only after all timely applications have been filled.

5.34.103 *Distribution Within Priority Classes.* If rental supplies are not sufficient to satisfy all of the timely applications within a priority class (those received within 15 days of the date of publication), the available rental supplies will be distributed to the applicants within that priority class on a pro-rata basis. ~~Rentals to the fourth priority shall not be approved prior to August 15 of the current irrigation year.~~

5.34.104 *Priority for Small Rentals.* Small rentals made pursuant to ~~Rule~~ Procedure 5.2.104 are not subject to the priorities set forth in ~~Rule~~ Procedure 5.34.101 and will be approved in the same order in which the rental applications are received by the Watermaster, so long as the total amount of all such applications does not exceed 5,000 acre-feet.

5.34.105 *Priority for Flow Augmentation.* Rentals for flow augmentation are not subject to the priorities set forth in ~~Rule~~ Procedure 5.34.101 and shall be determined pursuant to ~~Rule~~ Procedure 5.2.105 and Procedure 10.6.

5.45 **Rental Prices**

5.45.101 *Tier 1:* If the storage system fills, the rental price for purposes above Milner shall be \$7.00 per acre-foot.

5.45.102 *Tier 2:* If the storage system does not fill but storage is provided for flow augmentation pursuant to ~~Rule~~ Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$17.00 per acre-foot.

5.45.103 *Tier 3:* If the storage system does not fill and no flow augmentation water is provided pursuant to ~~Rule~~ Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$25.00 per acre-foot.

5.45.104 *Determination of Tier 1, 2 or 3 Rental Price:* Unless the storage system has filled, the Watermaster shall designate on or before April 5 either Tier 2 or Tier 3 as the rental price for above-Milner rentals. If at any time during the same accounting year, the storage system should subsequently fill, the Watermaster shall designate Tier 1 as the rental price for above-Milner rentals and refund any excess rental fees within 30 days after the date of publication.

5.45.105 *Tier 4:* The rental price for storage rented from for flow augmentation shall be \$17.00 per acre-foot.

5.45.106 *Fees & Surcharges.* There shall be added to the rental price for all rentals the Board surcharge and administrative fee, resulting in the following summed amounts charged for common pool rentals for the various tiers described in ~~Rules~~ Procedures 5.45.101 through 5.45.105:

- (a) Tier 1: $\$7.00 + \$0.70 + \$1.30 = \9.00
- (b) Tier 2: $\$17.00 + \$1.70 + \$1.30 = \20.00
- (c) Tier 3: $\$25.00 + \$2.50 + \$1.30 = \28.80
- (d) Tier 4: $\$17.00 + \$1.70 + \$1.30 = \20.00

5.4.107 *Impacted Spaceholder Price Adjustment:* If payments to impacted spaceholders per acre-foot of impact, pursuant to Procedure 7.3.101, are less than the rental price being charged for the current year in either *Tier 2* or *Tier 3*, the rental price for impacted spaceholders choosing to use their impact payments to rent common pool storage to mitigate the impact to their current year's storage allocation shall be equal to the amount that was paid per acre-foot of impact. The Board Surcharge and Administration fee shall be paid by the impacted spaceholder in addition to the adjusted rental price.

~~5.5.107 *Impact Fee Added to Previous Year's Non-Spaceholder Rentals When Previous Year's Rentals Impact Current Year's Storage Allocations.* There shall also be added to the rental price those applicable Fees & Surcharges described in Rule 5.5.106(a),(b),(c) for rentals pursuant to fourth priority Rule 5.4.101(d) and rentals to non-spaceholders pursuant to Rule 5.2.104 an impact fee to mitigate the computed impacts under Rule 7 from such rentals, payable as follows: The exact amount which is to be set and paid when the full impacts of such rentals, based upon the following year's Common Pool rental price, are determined under said Rule 7, including all additional fees and surcharges. Payment shall then be due and payable on or before 60 days from the day of allocation. Failure of a non-spaceholder to timely pay the fees identified above, shall result in the non-spaceholder's ineligibility to rent water in the future. Such failure to pay shall also subject the non-spaceholder to such legal actions as allowed under state law in the collection of fees.~~

~~5.4~~5.108 *Storage System Fill.* For purposes of Rule Procedure 5.45 only, the storage system is considered full when all storage rights are filled in Jackson Lake, Palisades (except for powerhead), American Falls, and Island Park

5.56 Limitations.

~~5.6.101 *Participant Rental:*~~ A participant cannot rent water from the Common Pool if the participant is replacing storage space or water which has been evacuated due to an assignment to or private lease through the Water District 1 Rental Pool, unless an exception is granted by the Committee.

~~5.6.102 *Diversions and Places of use:*~~ Common Pool rentals for uses or diversions in basins outside the District including (but not limited to) the Blackfoot River Basin 27, Portneuf River Basin 29, Raft River Basin 43, Salt River Basin 24, and Wood River Basin 37 are prohibited, excepting rentals pursuant to Rule 5.2.106.

PROCEDURE ~~RULE~~ 6.0 PRIVATE LEASES

- 6.1 **General.** All leases must be transacted through the rental pool. Only participants may lease storage to a Lessee subject to the provisions of these rules, and non-participating spaceholders may not lease storage from participants.
- 6.2 **Purposes.** Storage may be leased through the rental pool only for beneficial use purposes above Milner. A participant may not lease storage to a lessee and rent storage from the common pool in the same accounting year unless an exception is granted by the Rental Pool Subcommittee.
- 6.3 **Payment to Lessor.** The lessor shall receive one-hundred percent (100%) of the lease price.
- 6.4 **Fees & Surcharges.** There shall be added to the lease price the administrative fee and the Board surcharge.
- 6.5 **Non-Applicability to Common Pool.** Storage leased pursuant to this ~~rule~~ procedure does not count against the participant contribution volumes set forth in ~~Rule~~ Procedure 5.2.
- 6.6 **Recharge.** All storage used for the purpose of recharge must be transacted through the rental pool. Unless storage is rented pursuant to ~~Rule~~ Procedures 5.0 or 10.0, storage used for recharge, whether diverted by the storage spaceholder or another person, will be treated as a lease of storage.
- 6.7 **Idaho Water Resource Board (IWRB) Storage.** Notwithstanding the limitations set forth in ~~Rules~~ Procedures 6.1 and 6.2, the IWRB may lease its existing storage (up to 5,000 acre-feet) to Idaho Power and have it released past Milner for the purpose of mitigating minimum flows at Murphy. The administrative fee must be paid by the IWRB for any storage used for such purpose.
- 6.8 **Lease of Storage from Bureau Uncontracted Space.** Notwithstanding the limitations set forth in ~~Rules~~ Procedures 6.1 and 6.2, the Bureau may lease storage from its uncontracted space for flow augmentation as identified in Appendix III of the – Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.
- 6.9 **Lease of Storage from Bureau Powerhead Space.** Notwithstanding the limitations set forth in ~~Rules~~ Procedures 6.1 and 6.2, the Bureau may lease storage from its powerhead space for flow augmentation as identified in III.C.7 of the Mediator’s Term Sheet of the 2004 Snake River Water Rights Agreement.

PROCEDURE RULE 7.0 IMPACTS

7.1 **Determination.** In any year in which the storage rights in the reservoir system do not fill, the Watermaster will determine the actual computed impacts to spaceholders, if any, associated with the prior year's rentals and leases. In making this determination, the Watermaster will use a procedure which identifies the following:

- (a) What each computed reservoir fill would have been had the previous year's rentals and leases not taken place;
- (b) The storage space from which rented or leased storage was actually supplied for the previous year's rental or lease; and
- (c) The amount of storage each spaceholder's current allocation was reduced by the previous year's rental or lease activities.

7.2 **Milner Spill.** There are no computed impacts resulting from the previous and current year's rentals or leases used prior to Milner spill ceasing when the use of those rentals or leases result in reducing the spill from the reservoir system prior to the current year's Date of Allocation, as determined by the Watermaster.

7.3 **Impacts to Participants due to Rentals from the Common Pool (~~excluding assignments~~)**

~~7.3.101~~ ~~Payments to Impacted Participants Using Impact Fees.~~ Participants whose storage allocation has a computed impact from the prior year's rental of storage from the common pool, ~~excluding assignments~~, shall first receive payment from impact fees collected pursuant to Rule 5.5.107 from the previous year's fourth priority rentals. The amount of impact fees disbursed to impacted participants will be proportional to the total common pool rental, including flow augmentation rentals that occurred during the prior year:

$$\text{Impact Fee Payment} = (\text{Isp} * \text{RP}) * (\text{Fp}/\text{Cp})$$

~~Isp = Participants computed impacted space in current year~~

~~RP = Rental Price in current year~~

~~Fp = Fourth priority rentals in prior year~~

~~Cp = Total common pool rentals (including flow augmentation) in prior year~~

~~Payment to spaceholders for the impacts by non-spaceholders pursuant to 7.3.101 shall be paid from the balance remaining in the impact fund after payments are made pursuant to 7.3.102, which shall then be reimbursed pursuant to Rule 5.5.107.~~

7.3.101² ~~Remaining~~ **Impact Payment.** Participants whose storage allocation has a computed impact from the prior year's rental of storage from the common pool; ~~excluding assignments~~; will also receive payment from the Impact Fund (~~in addition to the Impact Fee Payment pursuant to Rule 7.3.101~~) equal to the lesser value of the two following formulas:

$$\text{Remaining Impact Payment} = [(\text{Isp} * \text{RP}) - \text{Impact Fee Payment}] \text{ or } [\frac{1}{2} \text{IF} * (\text{Isp}/\text{Ispt}) - \text{Impact Fee Payment}]$$

~~Isp = Participant's computed impacted space in acre-feet~~

~~RP = Rental Price~~

~~IF = Impact Fund~~

Ispt = Total of all Participants' computed impacted space in acre-feet

7.3.10~~23~~ *Timing of Payment.* Impact payments, which will be based on preliminary data, will be made to participants on or before July 15.

- 7.4 **Impacts to Non-Participants due to Rentals from the Common Pool (~~excluding assignments~~).** If the prior year's rental of storage from the common pool caused computed impacts to non-participants as determined by the Watermaster, the current year's Common Pool shall be reduced to supply such impacts to non-participants (at no cost to non-participants) prior to providing any rental under the priorities of ~~Rule~~ Procedure 5.34.101.
- 7.5 **Impacts to Spaceholders due to all other leases and assignments.** To avoid impacts to spaceholders pursuant to leases under ~~Rules~~ Procedures 5.3, 6, 8, and 9.3, and 10.0, in years when storage is not spilled past Milner, a lessor's and assignor's storage allocation shall be reduced to ensure all non-lessor and non-assignor spaceholders receive a 100% fill to their storage allocations ahead of allocations to space evacuated to supply previous year leases and assignments. If the amount of storage in the reservoir system exceeds the amount necessary to allocate 100% fill to non-lessor and non-assignor space but is insufficient to allocate 100% fill to all system spaceholders, allocations to lessors' and assignors' space shall occur in the following priorities:
- (a) Assigned storage rental under ~~Rule 5.6~~ Procedure 10.0, private leases above Milner under Procedure 6.0, and IWRB storage used for mitigating minimum flows at Murphy under ~~Rule~~ Procedure 6.7. This reallocation will only occur in the year following the lease of storage.
 - (b) Bureau uncontracted storage under ~~Rule~~ Procedure 6.8 until the lessor's affected space fills.
 - (c) Supplemental Pool leases under ~~Rule~~ Procedure 8.0 until the lessor's affected space refills.
 - (d) Bureau Powerhead storage under ~~Rule~~ Procedure 6.9 shall be the last space to refill after all other space in reservoirs in Water District 1 until the lessor's affected space fills as identified in III.C.7.c. of the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement.

PROCEDURE ~~RULE~~ 8.0. SUPPLEMENTAL POOL

- 8.1 **Purpose.** To provide a voluntary mechanism for the lease of storage water to a participant below Milner for hydropower generation within the state of Idaho when storage water supplies, as a result of hydrologic, climate and other conditions, are sufficient to satisfy above Milner uses and Water District 01 commitments for flow augmentation. A supplemental pool shall be created in order to mitigate for computed impacts associated with leases below Milner, consistent with the Idaho Water Resource Board's policy to establish an effective water marketing system consistent with state law and assuring the protection of existing water rights while accommodating the purchase, lease or conveyance of water for use at Idaho Power's hydroelectric facilities, including below Milner Dam.
- 8.2 **Annual Authorization.** In order to provide the opportunity to lease water to generate funding of aging infrastructure projects without impacting individual spaceholder fill, storage may be leased through the Supplemental Pool for the purposes described herein. However, no storage may be leased through the supplemental pool until the Committee on or after April 1 of each year authorizes use of the pool and the Committee is satisfied that the goals and terms of the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement are met to provide sufficient flow augmentation supplies for the year or that storage to be released past Milner will count toward flow augmentation.
- (a) Mitigation Inc. shall have the right to lease up to the first 10,000 ac-ft of supplemental pool water storage under ~~Rule~~ Procedure 8.0, as approved annually by the Committee ~~at the first Committee of Nine meeting in April.~~ Mitigation Inc. shall provide to the Committee a report summarizing the expenditure of revenue from the annual lease(s) by December 31, 2023. If the Committee determines that the preference granted Mitigation Inc. is no longer justified, the Committee may terminate said preference. The preference granted Mitigation Inc. pursuant to this ~~Rule~~ Procedure shall sunset on December 31, 2029. The 10,000 ac-ft preference shall only be applied once per year.
- (b) Additional leases of storage in excess of the amount provided in Procedure 8.2(a) ~~10,000 ac-ft~~ may be authorized annually by the Committee pursuant to ~~Rule~~ Procedure 8.0. ~~If Mitigation Inc. supplies 10,000 ac-ft to the supplemental pool pursuant to 8.2(a),~~ Mitigation Inc. shall be permitted to supply a pro-rata share of any additional amount made available to the supplemental pool exceeding the initial 10,000 ac-ft in Procedure 8.2(a). If Mitigation Inc. does not supply storage ~~10,000 ac-ft~~ pursuant to Procedure 8.2(a), Mitigation Inc. shall be permitted to supply a pro-rata share of its storage to the supplemental pool along with other spaceholders supplying storage to the supplemental pool.
- 8.3 **Quantity and Price Determinations.**
- 8.3.101 The maximum quantity of storage authorized to be leased through the supplemental pool shall be determined annually by the Committee taking into account the advice and recommendation of the Rental Pool Subcommittee, together with current and forecasted hydrological conditions and estimated demand on the rental pool for above Milner uses.

- 8.3.102 *Price Determination.* The Committee shall authorize the leasing of water, including price pursuant to Rule Procedure 8 after taking into account spaceholder needs and current market conditions for power generation. There shall be added to the ~~lease~~ rental price the board surcharge and ~~not to exceed~~ a \$1.850 per acre-foot administrative fee associated with the development and implementation of the supplemental pool, assessed on the total quantity of storage set forth in any lease application approved or conditionally approved under ~~Rule~~ Procedure 8.4.
- 8.3.103 *Subsequent Quantity and Price Determinations.* If within the same accounting year, the Committee subsequently determines based on the criteria set forth in ~~Rule~~ Procedure 8.3.101 that additional opportunities exist for utilizing the use of water within Idaho through the supplemental pool consistent with ~~Rule~~ Procedure 8.1, it shall designate such additional maximum quantity authorized to be leased through the supplemental pool and identify a separate lease price for such additional quantity pursuant to ~~Rule~~ Procedure 8.3.102.
- 8.4 **Application to Lease Storage from the Supplemental Pool.**
- 8.4.101 Applications to lease storage from the supplemental pool for hydropower purposes shall be made upon forms approved by the Watermaster and shall include:
- (a) The amount of storage sought to be ~~leased~~ rented;
 - (b) The ~~lease~~ rental price with associated fees as identified by the Committee under Rule Procedure 8.3.102; and
 - (c) The deadline for the Applicant to receive delivery of water through the Supplemental Pool.
 - ~~(c) The point of diversion identified by legal description and common name; and~~
 - ~~(d) A description of the place of use.~~
- 8.4.102 *Application Acceptance.* Applications are not deemed accepted until received by the Watermaster together with the appropriate fees required under ~~Rule~~ Procedure ~~8.3.102~~ 8.4.101.
- 8.4.103 *Application Approval.* An application accepted under ~~Rule~~ Procedure 8.4.102 shall be approved after the Watermaster has determined that the application is in compliance with these procedures and sufficient storage will be available from the supplemental pool to provide the quantity requested in the application; provided, however, if the date of publication has not yet occurred, approval of the application shall be conditioned on the ability of spaceholders who have contracted to ~~lease~~ rent storage through the supplemental pool to have a sufficient storage allocation during the accounting year to satisfy their contracts approved under ~~Rule~~ Procedure 8.5.104. Upon approval or conditional approval of the application, the fees collected from the applicant shall be non-refundable to the extent of the total quantity of storage approved or conditionally approved in supplemental pool lease contract(s) under ~~Rule~~ Procedure 8.5.104. The Watermaster shall provide notice of such approval.

- 8.4.104 *Deadline for Accepting Applications.* All applications to ~~lease~~ rent storage from the supplemental pool must be accepted by the Watermaster pursuant to ~~Rule~~ Procedure 8.4.102 not later than October 31 in order for the storage identified in such applications to be accounted for as having been diverted as of October 31 of the same year. Applications accepted after October 31 will be accounted for from storage supplies in the following calendar year, unless an exception is granted by the Rental Pool Subcommittee.

8.5 **Supplemental Pool Supply.**

- 8.5.101 *Notice to Spaceholders of Opportunity to ~~Lease~~ Consign Storage through the Supplemental Pool.* The Watermaster shall provide notice of the supplemental pool on the Water District 1 website, which shall include the following information:
- (a) The maximum quantity of storage authorized to be ~~leased~~ rented through the supplemental pool;
 - (b) The ~~lease~~ rental process, including price and deadlines as authorized by the Committee;
 - (c) Instructions for spaceholders interested in ~~leasing~~ consigning storage through the supplemental pool, including instructions for executing a standardized supplemental pool ~~lease~~ rental contract; and
 - (d) The deadline, as set by the Committee, for the Watermaster to receive supplemental pool ~~lease~~ rental contracts from spaceholders interested in ~~leasing~~ consigning storage through the supplemental pool.
- 8.5.102 *Supplemental Pool ~~Lease~~ Rental Contracts.* Spaceholders interested in ~~leasing~~ consigning storage through the supplemental pool shall execute a standardized supplemental pool ~~lease~~ rental contract, which shall be provided by the Watermaster and include provisions for the following:
- (a) Limit eligibility to ~~lease~~ consign storage through the supplemental pool only to spaceholders who qualify as participants under ~~Rule~~ Procedure 2.27;
 - (b) The quantity sought to be ~~leased~~ consigned by the spaceholder may be any amount, except that the total amount of storage ~~leased~~ consigned pursuant to ~~Rule~~ Procedure 8 may not exceed either the maximum quantity set by the Committee under ~~Rule~~ Procedure 8.3.101 or 10% of the spaceholder's total reservoir system space, unless an exception is approved by the Rental Pool Subcommittee;
 - (c) The 10% limitation described in 8.5.102(b) does not apply to the first 10,000 ac-ft supplied by Mitigation Inc. under ~~Rule~~ Procedure 8.2(a);
 - (d) The quantity actually ~~leased~~ consigned by the spaceholder may be reduced depending upon the number of spaceholders who elect to ~~lease~~ consign storage through the supplemental pool as provided in ~~Rule~~ Procedure 8.5.103;
 - (e) That, in the event the spaceholder elects to sign a standard pool ~~lease~~ rental contract before the date of publication, the spaceholder assumes the risk that its storage allocation may be less than the spaceholder anticipated; and
 - (f) Notice to the spaceholder that if the spaceholder's ~~lease~~ consignment through the supplemental pool causes computed impacts, the mitigation required under ~~Rule~~ Procedure 8.7 will result in an amount of the spaceholder's space, not to exceed the quantity of storage ~~leased~~ consigned by the spaceholder, being assigned a junior priority which may not fill for multiple consecutive years, an accounting commonly referred to as "last to fill."

- 8.5.103 *Distribution of Storage to the Supplemental Pool.* If, following the deadline for receipt of executed supplemental pool ~~lease~~ rental contracts, the Watermaster determines that the total quantity of storage sought to be ~~leased~~ consigned through the supplemental pool exceeds the quantity limitation established under ~~Rule~~ Procedure 8.3, then the Watermaster shall reduce the quantity of each supplemental pool ~~lease~~ rental contract to a pro rata share based on the amount of storage sought to be ~~leased~~ consigned by each spaceholder. The Watermaster shall amend the supplemental pool ~~lease~~ rental contract(s) to reflect any reduced quantity required by this provision.
- 8.5.104 *~~Lease~~ Rental Contract Approval.* Following receipt of a supplemental pool ~~lease~~ rental contract, the Watermaster shall determine whether the contract is in compliance with these procedures, and, if so, shall approve the same; provided, however, if the date of publication has not yet occurred, approval of the contract shall be conditioned on the spaceholder having a sufficient storage allocation during the accounting year to satisfy the contract.
- 8.6 **Notice of Contract Approval and Payment to Lessors Consignors.** The ~~lessors~~ consignors shall receive one-hundred percent (100%) of the lease price apportioned according to the quantity of storage each ~~lessor-leased~~ spaceholder consigned through the supplemental pool. The Watermaster shall notify spaceholder(s) who submitted supplemental pool ~~lease~~ rental contracts of the approved amount and distribute the funds to the lessors within 30 days following approval or conditional approval of an application under ~~Rule~~ Procedure 8.4.103 and rental contract approved under Procedure 8.5.104.
- 8.7 **November 1 Carryover Unaffected.** For purposes of determining the amount of storage available for flow augmentation under ~~Rule~~ Procedure 5.2.105(a), storage leased through the supplemental pool shall not affect the November 1 carryover quantity on Table 1.

**PROCEDURE ~~RULE~~ 9.0 STORAGE ALLOCATED TO PALISADES WATER
USERS, INC. (PWUI)**

- 9.1 **Background and Purpose.** PWUI is an entity originally organized at the specific request of the Bureau to group, under one entity, all individual water users who applied for an allocation of Palisades Reservoir storage because Reclamation's policy at that time was that it would not enter into repayment contracts with individual water users. PWUI does not own natural flow water rights, has no designated service area, and does not own a water delivery system. Instead, PWUI shareholders call for delivery of water allocated to their shares through their own delivery systems or the systems of other irrigation entities and have historically been able to change the location of PWUI storage deliveries upon simple notification to the District. The shares do not describe specific property where storage allocated to such shares are used. One share of PWUI stock is equivalent to one acre-foot of PWUI space in Palisades Reservoir, and allocations of water to PWUI shareholders are made upon that basis. The provisions of Rule 9.0 are included herein to clarify, between PWUI and the District, how to properly categorize the delivery of PWUI storage to various points of delivery.
- 9.2 **Delivery of PWUI Storage Water.** Storage allocated to PWUI shares shall not be considered a private lease under ~~Rule~~ **Procedure 7.56** in the following circumstances:
- 9.2.101 The delivery of storage to an irrigation delivery system where the PWUI shareholder has an ownership interest or leasehold interest in property capable of receiving delivery of water through such system.
- 9.2.102 The delivery of storage allocated to a PWUI shareholder which is assigned to another PWUI shareholder for an amount up to the assignee's unfilled PWUI allocation for the Accounting Year.
- 9.2.103 The delivery of storage allocated to PWUI's treasury stock provided to a PWUI shareholder.
- 9.3 **Private Leases of PWUI Storage Water.** Storage allocated to PWUI shares shall be considered a private lease under ~~Rule~~ **Procedure 7.56** and subject to impacts under ~~Rule~~ **Procedure 7.56** in the following circumstances:
- 9.3.101 The delivery of storage allocated to PWUI's treasury stock provided to a non-PWUI shareholder for any purpose.
- 9.3.102 The delivery of storage allocated to a PWUI shareholder which is assigned to another PWUI shareholder for an amount more than the assignee's unfilled PWUI allocation for the Accounting Year.
- 9.3.103 The delivery of storage allocated to a PWUI shareholder provided to a non-PWUI shareholder for any purpose.
- 9.3.104 The delivery of storage to a PWUI shareholder which is used for recharge.
- 9.4 **Applicability of Rule ~~5.56~~ To PWUI Storage.**
- 9.4.101 Rule ~~5.56~~ shall apply to private leases of PWUI storage described in ~~Rule~~ **Procedure 9.3.101**.
- 9.4.102 Subject to ~~Rule~~ **Procedure 9.4.103**, the Committee hereby grants PWUI an exception from the provisions of ~~Rule~~ **Procedure 5.56** such that PWUI shall not be prohibited from leasing water from the Common Pool because of private leases by PWUI shareholders under ~~Rules~~ **Procedures 9.3.102 through 9.3.104**.
- 9.4.103 Water leased from the Common Pool by PWUI under Rule 9.4.102 shall not be allocated to or used by PWUI shareholders who engage in private leases described under ~~Rules~~ **Procedures 9.3.102 through 9.3.104**.

- 9.5 **Allocation of Impacts to PWUI.** The allocation of impacts described in ~~Rule~~ Procedure 7.56 of these procedures for private leases described under ~~Rule~~ Procedure 9.3 shall be made to PWUI as the spaceholder. PWUI shall thereafter internally allocate the impacts to the individual PWUI shareholders who participate in private leases described under ~~Rules~~ Procedures 9.3.102 through 9.3.104.
- 9.6 **Information Provided to District.** PWUI shall provide sufficient information to the District to allow the District to verify PWUI's characterization of the assignment of PWUI storage under ~~Rule~~ Procedure 9.0.
- 9.7 **Assignment of PWUI Shares to Canal Headings.** PWUI shareholders shall assign its shares to the canal heading where such PWUI shareholder is most likely to request delivery of storage. Water District 1 shall only account for the delivery of PWUI storage when (1) notified by the PWUI shareholder that such shareholder is taking delivery of storage through a canal; or (2) the manager of a canal reports the delivery of PWUI storage to Water District 1.

PROCEDURE 10.0 ASSIGNMENT POOL

- 10.1 **Purpose.** To provide a voluntary mechanism for participating spaceholders to assign a portion of their storage allocation to be made available for flow augmentation rentals below Milner and also to be made available for other rentals diverted above Milner, including storage rental conveyance and/or exchanges of storage from Water District #1 to other water district diversions that are not regulated by the Water District #1 Watermaster.
- 10.2 **Assignors.** Any participant may assign storage. An assignment of storage shall be made in writing on forms approved by the Watermaster.
- 10.3 **Limitations.** A participant may not assign storage and rent storage in the same accounting year unless an exception is granted by the Rental Pool Subcommittee. Non-participating spaceholders may not rent storage from the assignment pool.
- 10.4 **Distribution of Assigned Storage.**

10.4.101 *Dates of assignment.* Storage assigned by participants on or before June 1 shall be rented on a pro-rata basis until all such storage assigned by June 1 has been purchased. Storage assigned from June 2 through November 30 shall be rented to purchasers after all storage assigned by June 1 has been rented and shall be distributed in the order assignments are received by the District. For example, all storage assignments received on June 2 shall be rented in their entirety before storage assigned on June 3, and all storage assignments received on June 3 will be rented in their entirety before storage assignments received on June 4, and so on.

10.4.102 *Payment to Assignors.* Each participant assigning storage on or before June 1 shall be paid a pro-rata share of all net proceeds for assignment pool rental until 100% of the storage assigned on or before June 1 has been rented. Each participant assigning storage after June 1 shall receive 100% of the net price for any of their assigned storage rented.

10.4.103 *Rental Approval and Priority.* Applications to purchase assigned storage may be submitted at any time after April 5 but will not be approved until beginning June 2. If total applications exceed total assignments on June 1, applications will be approved according to the following priorities:

(a) *First Priority.* Rental for flow augmentation pursuant to Rule 10.6.

(b) *Second Priority.* Water users that have purchased rental or leased storage from the Water District #1 Rental Pool for purposes above Milner in years prior to 2019.

(c) *Third Priority.* All other applicants to purchase assigned storage diverted for purposes above Milner.

If the assignment supply is insufficient to satisfy all purchase applications in a priority, applications in that priority shall be approved in the order they were received on or before June 1. Applications to purchase assigned storage received after June 1 will be approved in the order received after all purchase applications received on or before June 1 have been satisfied and remaining assigned storage is available to satisfy purchase applications received after June 1.

10.4.104 *Assignor Payments and Return of Unrented Assignment Storage.* Assignors will be paid the total amount of rental prices collected for assignment rentals. Any unrented assigned storage will be returned to assignors' carryover at the end of the year.

10.4.105 *Timing of Payments.* Payments will be made to assignors in December of the year in which proceeds were collected.

10.5 **Applications to Purchase Assigned Storage for Uses above Milner.** Applications to rent storage from the assignment pool shall be made in writing on forms approved by the Watermaster.

10.6 **Rental Supplied for Flow Augmentation.** If the storage supplied from Table 1 for flow augmentation is insufficient to meet the needs described in the Mediator's Term Sheet of the 2004 Snake River Water Rights Agreement, and the Committee has approved providing extraordinary circumstances rental under Procedure 5.2.105(b), the supply for the extraordinary circumstances rental shall come from the available assignment pool supply according to the priorities described in Procedure 10.4.103 ahead of any remaining amount of extraordinary circumstances rental supplied from the common pool.

10.7 **Rental Prices for Assigned Storage**

10.7.101 *Tier 5.* If the storage system fills, the rental price for purposes above Milner shall be \$35.00 per acre-foot.

10.7.102 *Tier 6.* If the storage system does not fill but storage is provided for flow augmentation pursuant to Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$45.00 per acre-foot.

10.7.103 Tier 7. If the storage system does not fill and no flow augmentation water is provided pursuant to Procedure 5.2.105(a), the rental price for purposes above Milner shall be \$55.00 per acre-foot.

10.7.104 Determination of Tier 5, 6, or 7 Rental Price: Unless the storage system has filled, the Watermaster shall designate on or before April 5 either Tier 6 or Tier 7 as the rental price for above-Milner rentals. If at any time during the same accounting year, the storage system should subsequently fill, the Watermaster shall designate Tier 5 as the rental price for above-Milner rentals and refund any excess rental fees within 30 days after the date of publication.

10.7.105 Tier 8: The rental price for storage rented for flow augmentation shall be \$17.00 per acre-foot.

10.7.106 Fees & Surcharges. There shall be added to the rental price for all rentals the Board surcharge and administrative fee, resulting in the following summed amounts charged for assignment pool rentals for the various tiers described in Procedures 10.7.101 through 10.7.105:

- (a) Tier 5: $\$35.00 + \$3.50 + \$1.30 = \39.80
- (b) Tier 6: $\$45.00 + \$4.50 + \$1.30 = \50.80
- (c) Tier 7: $\$55.00 + \$5.50 + \$1.30 = \61.80
- (d) Tier 8: $\$17.00 + \$1.70 + \$1.30 = \20.00

10.8 **Application Approval and Deliveries to Diversions in Water Districts other than Water District #1.** Applications submitted with the appropriate forms, rental prices, fees, and surcharges for purchasing assignment pool storage shall be approved according to Procedure 10.4.103 as assignment pool storage becomes available. However, application approval does not guarantee delivery and/or exchange of assignment pool storage to diversions that are not measured or regulated by Water District #1 unless the daily diversion of rental storage is reported by the Watermasters of those districts to the Water District #1 Watermaster to facilitate the proper accounting of storage rental exchanges and deliveries to water districts outside of Water District #1.

10.9 **Rental Refunds.** Funds collected for approved rental applications will not be refunded regardless of whether or not the rental storage was used by the assignee. Applications that were not approved, or a written request to withdraw the application prior to its approval is received by the district from the applicant, shall have their application monies refunded in December of the year in which the proceeds are collected.

APPENDIX

TABLE 1: Water District 1 Flow Augmentation Rental Chart						
October 31st Midnight Carryover 1000s AF		April 1 to Sept 30 Heise Forecast (1000s AF)				
		0	2,920	3,450	4,208	5,042
		to	to	to	to	or
		2,919	3,449	4,207	5,041	greater
0 - 599		0	0	0	150000	185000
600 - 899		0	0	60000	150000	185000
900 - 1499		0	60000	60000	150000	185000
1500 - 2099		0	100000	150000	185000	185000
2100 - 2599		0	100000	150000	205000	205000
2600 - 2999		0	185000	185000	205000	205000
3000 - 3199		60000	185000	185000	205000	205000
> 3199		100000	185000	185000	205000	205000

WATER DISTRICT #1 RENTAL POOL
APPLICATION TO RENT STORAGE FROM THE COMMON POOL SUPPLY

_____ (applicant) hereby requests to rent _____ (acre-feet) of storage from the Water District #1 Rental Pool with the enclosed rental fees of \$ _____ for the irrigation season 20____. The acceptance and approval of this rental request by the Water District #1 Watermaster is subject to the adopted Water District #1 Rental Pool Procedures pursuant to Idaho Code Section 42-1765.

Description of Point of Diversion:

Name of River or Stream from which rental is diverted: _____

Canal or Pump Name & location: _____

Place of Use description: _____

Water Right Appurtenant to Lands: _____



If the application is for an amount greater than 100 acre-feet for irrigation purposes, the Applicant, by checking this box, certifies that the place-of-use for this rental storage has a primary irrigation water right appurtenant to said land and was legally irrigated prior to the 2019 Irrigation year...or....had approved storage rentals or private leases applied to this place-of-use in any year from 2006 through 2018. Failure to meet these conditions contained in Rule 3.4 of the Rental Pool Procedures may be grounds for denying the application.

Applicant Signature and Address:

Print Name: _____

Signature: _____ Date: _____

Address: _____

If the applicant is pumping water from a canal that diverts water from the Snake River or its tributary and is applying to rent 100 ac-ft or less conveyed through the canal to the applicant's point of diversion, pursuant to Rule 5.2.104, the applicant must submit written consent from the canal operator to have the rental storage delivered through the canal.

Canal Operator Name and Title: _____

Canal Operator Consent Signature: _____

=====

(official use only)

Date Application Accepted by Watermaster: _____

Application Approved by Watermaster: _____ YES _____ No

Watermaster Signature: _____

WATER DISTRICT #1 RENTAL POOL
APPLICATION TO RENT STORAGE FROM THE ASSIGNMENT POOL SUPPLY

_____ (applicant) hereby requests to rent _____ (acre-feet)
of storage from the Water District #1 Rental Pool with the enclosed rental fees of \$_____ for the
irrigation season 20____. The acceptance and approval of this rental request by the Water District #1
Watermaster is subject to the adopted Water District #1 Rental Pool Procedures pursuant to Idaho Code
Section 42-1765.

Description of Point of Diversion:

Name of River or Stream from which rental is diverted: _____

Canal or Pump Name & location: _____

Place of Use description: _____

Water Right Appurtenant to Lands: _____

☐ If the application is for irrigation purposes, the Applicant, by checking this box, certifies that the place-of-use for this leased storage has a primary irrigation water right appurtenant to said land and was legally irrigated prior to the 2019 Irrigation year...or....had approved storage rentals or private leases applied to this place-of-use in any year from 2006 through 2018. Failure to meet these conditions contained in Rental Pool Procedure 3.4 may be grounds for denying the application.

Applicant Signature and Address:

Print Name: _____

Signature: _____ Date: _____

Address: _____

=====

(official use only)

Date Application Accepted by Watermaster: _____

Application Approved by Watermaster: _____ YES _____ No

Watermaster Signature: _____

**WATER DISTRICT #1 RENTAL POOL
TWO-PARTY PRIVATE LEASE AGREEMENT**

_____ (lessor) agrees to lease _____ acre-feet of storage to
_____ (lessee) for the 20____ irrigation season at a price of
\$_____ according to the rules and regulations contained in the Water District #1 Rental Pool Procedures.

An Idaho Water Resources Board surcharge (10% of the purchase price) plus a \$1.30 per acre-foot administrative fee must be received by Water District #1 prior to the approval of the storage lease).

If the reservoir storage system fails to fill in the season following the year leased, the lessor's storage allocation shall be reduced by the amount leased to offset any impacts to other spaceholders' storage accruals according to the approved Water District #1 Rental Pool Procedures pursuant to Idaho Code Section 42-1765. The lessor understands the net effect of this rule is to make an amount of the lessor's space (equal to the amount leased) last-to-fill in the reservoir system for the irrigation season following the lease.

☐

If the lease is for irrigation purposes, the Applicant, by checking this box, certifies that the place-of-use for this leased storage has a primary irrigation water right appurtenant to said land and was legally irrigated prior to the 2019 Irrigation year...or....had approved storage rentals or private leases applied to this place-of-use in any year from 2006 through 2018. Failure to meet these conditions contained in Rental Pool Procedure 3.4 may be grounds for denying the application.

Lessor Signature

Date

Title, Canal Company

Lessee Signature

Date

Canal Company or Diversion Name

=====

(official use only)

Date Lease Accepted by Watermaster: _____

Watermaster Signature: _____

Watermaster Signature: _____

WATER DISTRICT #1 RENTAL POOL
APPLICATION FOR SPACEHOLDER TO ASSIGN STORAGE TO THE ASSIGNMENT POOL SUPPLY

_____ (applicant) holds certain storage entitlements in Upper Snake reservoirs for the primary purpose of irrigation. Based upon evaluation of potential needs for the current year, we have determined that a portion of our storage supply will not be required for our primary purpose of irrigation. We therefore wish to assign _____ acre-feet of water/space to the Water District #1 Rental Pool supply for the irrigation year 20____. We understand that the rental of this water is subject to the adopted Water District #1 Rental Pool Procedures pursuant to Idaho Code Section 42-1765.

Signed this _____ day of _____, 20_____.

Print Assignor Name and Title: _____

Assignor Signature: _____

Assignor Address: _____

=====

(official use only)

Date Assignment Accepted by Watermaster: _____

Watermaster Signature: _____

STANDARD SUPPLEMENTAL RENTAL POOL LEASE CONTRACT

THIS AGREEMENT, Entered this _____ day of _____ (month), by and between _____, of _____, (name of spaceholder) (address) hereinafter called "Lessor" and, **WATER DISTRICT 01, on behalf of the COMMITTEE OF NINE RENTAL POOL**, of 900 N. Skyline Dr., Suite A, , Idaho Falls, Idaho 83402, hereinafter called "Rental Pool", Lessor agrees to make available for lease below Milner in the Committee of Nine's Supplemental Rental Pool the total sum of _____ acre-feet of Lessor's storage water accrued to Lessor's storage space owned by Lessor within Water District 01 (hereinafter "Authorized Acre Feet"). Lessor shall authorize its Authorized Acre Feet to be leased for not less than a net lease price to Lessor of \$_____ per acre foot.

WITNESSETH:

Whereas, the Committee of Nine has adopted Rule 8 to its Rental Pool Procedures which sets forth the terms and conditions under which Lessor may contract with the Rental Pool in order to lease a certain set amount of Lessor's accrued storage in any given year where Lessor is a "participant" under the Rental Pool Procedures and where the Rental Pool has officially authorized storage water to be leased below Milner Dam pursuant to said Rules 7.5 and 8 in a Supplemental Rental Pool; and

Whereas, notice has been provided to all spaceholders of the Committee of Nine's approval of a Supplemental Rental Pool for the calendar year _____; and

Whereas, Lessor has read and understands the terms and conditions of Rules 7.5 and 8 of the Rental Pool Procedures; and

Whereas, notwithstanding the restrictions on refill required in Rule 7.5 of the Rental Pool Procedures, Lessor is nevertheless willing to lease Lessor's accrued storage water below Milner Dam in the amounts specifically described below.

Now Therefore, it is understood and agreed:

1. This Standard Supplemental Rental Pool Lease Contract (hereinafter "Lease Contract") is governed by the current Water District 01 Rental Pool Procedures including Rules 7.5 and 8.
2. Lessor hereby agrees and represents that it is a participant pursuant to the definition of "participant" within the Rental Pool Procedures.
3. Pursuant to the Rental Pool Procedures and particularly pursuant to Rule 8 of said Procedures, the Rental Pool is hereby authorized to enter into a contract with Idaho Power Company (hereinafter "IPCO") to lease up to the full amount of Lessor's Authorized Acre Feet.
4. Lessor understands and agrees that the amount of its storage water leased up to Lessor's Authorized Acre Feet, as well as the net price to be paid to Lessor, is fully governed by Rule 8 of the Rental Pool Procedures and the price negotiated with IPCO by the Rental Pool.

5. Lessor agrees that upon execution of this Lease Contract, Lessor shall not be entitled to withdraw or reduce Lessor's Authorized Acre Feet of storage water and the Rental Pool shall be fully authorized to enter into a subsequent lease with IPCO which shall assign to IPCO up to the total Authorized Acre Feet of this Lease Contract along with other lessors and to allow IPCO to enforce the terms of this Lease Contract against Lessor for any default caused by Lessor. It is being understood and agreed that the Rental Pool shall be authorized to release Lessor's Authorized Acre Feet of storage water to IPCO at any time requested by IPCO, at its option, provided that proper payment is made to the Rental Pool and the release date requested is timely made during the calendar year in which the lease occurs according to the Rental Pool Procedures and the Watermaster of Water District 01.

6. In the event either party hereto shall be required to employ an attorney for the enforcement of this Lease Contract, with or without suit, the defaulting party agrees to pay the prevailing party's reasonable attorneys' fees. This shall include the costs incurred by either party to send any default notice to a defaulting party.

7. This Lease Contract is not only binding upon the parties hereto, but upon their respective successors, heirs, administrators and assigns (including those rights to be assigned to IPCO as provided above).

8. This Lease Contract shall be governed by and interpreted under the laws of the State of Idaho.

9. This Lease Contract, related Rental Pool Procedures and the intended subsequent lease with IPCO specifically contemplated by this Lease Contract constitute and contain the entire agreement of the parties and supersedes and merge all other prior understandings and/or agreements between the parties, if any, whether verbal or written.

IN WITNESS WHEREOF, the parties have executed this Lease Contract.

“LESSOR”

(Lessor's Signature, Title)

(Canal Name or Spaceholder)

“RENTAL POOL”

Approved Amount: _____

By: Tony Olenichak Watermaster

From: Remington Buyer
To: Director Spackman
Re: Amendments to the Upper Snake River Rental Pool Procedures for 2021
Date: May 6th, 2021

The Water District 1 Advisory Committee (also known as the Committee of Nine, Co9) is the Idaho Water Resource Board (IWRB) appointed local committee for the Upper Snake River Rental Pool, and it is authorized to facilitate the lease and rental of stored water in Upper Snake River reservoirs, per state laws and rules specific to the Water Supply Bank.¹ Rental pool committees may adopt rental pool procedures to govern rental pool operations. Rental pool procedures must be approved by the IWRB. The Idaho Water Resource Board has approved rental pool procedures for the Upper Snake River rental pool.

The Co9 met on March 2nd, 2021, concurrent with the Water District 1 annual meeting, to discuss approving changes to the rental pool procedures for 2021. This memo is a summary of the rental pool procedures for 2021, which were approved by the Co9 at their March 2nd meeting.

This memo is divided into two sections to address:

- 1) a comparison of the Rental Pool Procedures and the Water Supply Bank Rules; and
- 2) specific comments about the amended procedures for 2021.

A Comparison of Rental Pool Procedures and Water Supply Bank Rules

Water Supply Bank rules require that rental pool procedures adopted by local committees should provide for twelve rental pool elements.² Included below are the twelve required rental pool elements and references to Upper Snake River Rental Pool procedural text that pertain to the twelve rental pool elements.

Rule 40.1.a - Determination of priority among competing applicants to lease stored water to the rental pool and to rent stored water from the rental pool

Sections 3.1 and 3.2 of the amended procedures (“purposes”) articulate intended priorities and constraints for lease and rental applications, while sections 4.3 (“applications”) and 10.4.103 (“rental approval and priority” [of storage assignments]) outline when and how different rental pool applications should be submitted. Section 5.3 (“priorities for renting storage”) provides details on how competing rental applications should be prioritized.

Rule 40.1.b - Determination of the reimbursement schedule for those leasing stored water into the rental pool

Section 5.2.110 (“timing of payments”) and 7.3 (“impacts to participants due to rentals from the common Pool”) pertain to lessor payments for the rental of stored water from the common pool in a given year, while section 8.6 (“notice of contract approval and payment to consignors”) provides that water users who lease (‘consign’) stored water to the supplemental pool shall receive compensation within thirty days of execution of a supplemental pool contract. Section 10.4.102 (“payment to assignors”) provides details on how payments for rentals of assigned storage should be distributed.

Rule 40.1.c - Determination of the rental price charge to those renting stored water from the rental pool

The means of determining the rental price is somewhat complicated, as the procedures allow for different dollar per acre-foot (\$/af) “rental prices” for rentals from different pools within the rental pool.

¹ Idaho Code, sections 42-1761 through 42-1765, and IDAPA Rules 37.02.03

² Water Supply Bank Rules 40.1.a through 40.1.k and Rule 40.2

Sections 5.4 prescribes that common pool rental prices should either be \$7/af, \$17/af or \$25/af, contingent on the fill of the reservoir system in a given year. Section 6.3 specifies that a lessor will receive 100% of whatever is agreed to between a lessor and renter for a private lease-rental through the rental pool. Section 8.3.102 allows for the rental pool local committee to establish an undefined rental price for supplemental pool rentals, while sections 10.7.101 ~ 10.7.105 define that assignment pool rentals shall be \$17/af, \$35/af, \$45/af or \$55/af, contingent on the fill of reservoir system.

Rule 40.1.d - Determination of the administrative charge to be assessed by the local committee

Section 2.3 defines that an administrative fee will be levied on all rentals, for distribution to Water District 1, however it does not define what the administrative fee should be. The administrative fee appears to be either \$1.30/af or \$1.50/af, dependent upon the type of rental transaction. Section 5.4.106 specifies that an administrative fee will be \$1.30/af for common pool rentals. Section 6.4 specifies that an administrative fee shall be levied on all private lease/rentals of storage water, however the administrative fee is not described; presumably the administrative fee for private lease-rentals is also \$1.30/af. For rentals from the supplemental pool, section 8.3.102 states that the administrative fee shall be \$1.50/af. Section 10.7.106 specifies that for rentals from the assignment pool, the administrative fee is \$1.30/af.

Rule 40.1.e - Allocation of stored water leased to the bank but not rented

Section 4.3.106 ("deadline to designate point of diversion or place of use") may address rule 40.1.e, by acknowledging that unused storage may "revert back to the common pool and/or lessor, respectively."

Rule 40.1.f - Notification of the Department and the watermaster of any rentals where stored water will be moved from the place of use authorized by the permit, license, or decree establishing the stored water right

Section 4.3.101 ("applications") provides a mechanism by which the local committee can make a determination as to whether a proposed rental will move storage water beyond the place of use authorized on the permit, license or decree establishing the stored water right. Although the procedures are silent with respect to a written requirement that the local committee notify the Department and watermaster of rentals contemplated by rule 40.1.f, the fact that the procedures recognize the Watermaster of Water District 1 as the manager of the rental pool, and the fact that the watermaster is typically also an employee of the Department of Water Resources, and the fact that watermasters are authorized by the Director of IDWR to perform duties for water districts, functionally allows for rule 40.1.f to be satisfied.

Moreover, the places of use authorized to be irrigated with storage water from Upper Snake River reservoir system includes lands in Madison, Minidoka, Bannock, Bingham, Bonneville, Cassia, Elmore, Fremont, Gooding, Jefferson, Jerome, Lincoln, Minidoka, Power, Teton and Twin Falls counties. As such, rentals of stored water for irrigation don't typically move from their authorized places of use.

Rule 40.1.g - Submittal of applications to rent water from the rental pool for more than five (5) years to the Board for review and approval as a condition of approval by the local committee

The proposed procedures are silent regarding the need to submit rentals for more than five years to the IWRB for approval. However, because rental pool local committee appointments are only for five year durations, rentals cannot effectively be approved for more than five years.

Rule 40.1.h - Prevention of injury to other water rights

Section 3.2 ("purposes") acknowledges that the procedures should "*maintain adequate controls, priorities, and safeguards to insure [sic] that existing water rights are not injured...*" however the procedures thereafter are silent on how this policy is to be interpreted and realized. Comments requested from Water District 1 staff on this topic indicated injury is not necessarily considered to be likely through a rental, and only "impacts" (which are not necessarily considered equivalent to injury) should be considered and accounted for.

Rule 40.1.i - Protection of the local public interest, except for applications submitted pursuant to the interim authority provided by Section 42-1763A, Idaho Code

The proposed procedures make no mention of the words “local public interest.” Comments from Water District 1 staff have been interpreted to suggest the content of section 3.0 (“purposes”) and section 5.4.101 (“priorities”) may be sufficient to protect local public interests.

Rule 40.1.j - Consistency with the conservation of water resources within the state of Idaho, except for applications submitted pursuant to the interim authority provided by Section 42-1763A, Idaho Code

There is no mention of the conservation of water resources within the procedures.

Rule 40.1.j - Management of rental pool funds as public funds pursuant to the Public Depository Law, Chapter 1, Title 57, Idaho Code

Rental pool procedure section 4.4.101 (“rental pool account”) acknowledges that rental pool funds are subject to Idaho’s public depository laws.

Rule 40.2 – Local committee procedures shall provide that a surcharge of ten percent (10%) of the rental fee charged per acre foot of stored water rented from the rental pool shall be assessed and credited to the...Board...

Section 2.10 of the procedures (“Board Surcharge”) provides that *“a surcharge equal to ten percent (10%) of the rental price or lease price assessed on the total quantity of storage set forth in any rental or lease application, [shall be] disbursed to the Board at the end of the irrigation season”*.

Rental Pool Procedure Comments

The following summarizes additional aspects of the amended Upper Snake River Rental Pool procedures that are relevant for consideration by the Idaho Water Resource Board:

A moratorium on all private leases, assignment or common pool rentals that deliver water to “new” lands
Section 3.4 of the procedures prescribe an indefinite *“moratorium on all private leases and rentals that deliver supplemental irrigation storage water to land that does not have a primary irrigation water right...”*. The stated purpose of the moratorium is to *“prevent further declines in the Eastern Snake Plain Aquifer...and to ensure new consumptive uses...do not further impact the storage supply”* of the rental pool.

Because the moratorium language of section 3.4 seeks to prohibit the approval of rentals of storage water for new irrigation uses, it is inconsistent with the mandate of the Water Supply Bank, which requires that the Bank provide a source of adequate water supplies to benefit new water uses. The moratorium might also be counter-productive since using storage water to irrigate lands that don’t feature primary water rights might actually improve the health of the ESPA, particularly where gravity-fed and other (non-pressurized) irrigation practices would result in a certain amount of surface water infiltrating down into the aquifer. As such, prohibiting a rental of water to new lands may be counter-productive to the stated objectives of preventing further declines in the ESPA.

Additionally, section 3.4.2(c) provides an exception to the moratorium for *“land that subsequent to the adoption of [the moratorium] is authorized for irrigation purposes under a water organization project’s water right”*. The US Bureau of Reclamation (USBoR) is a water organization, and their Minidoka, Palisades, Ririe and Teton Basin Project water rights authorize the irrigation of lands across southern Idaho. Thus, water stored under water rights from reservoirs associated with the above USBoR projects would arguably not be subject to the moratorium, which would seemingly be most of the storage water in the rental pool.

Further, if the Co9 believes renting storage water to lands that do not feature primary irrigation water rights is contrary to local public interests of the water users of Idaho, an alternative to the moratorium could be to include a new provision within the procedures stating that rentals to new lands are considered to be contrary to local public interests, and such rentals are not approvable, per the authorities of Water Supply Bank rule 40.1.I. Finally, if the local committee feels that the supply of storage water available to be leased and rented through the rental pool is insufficient to accommodate rentals for new irrigation uses in the future, they could memorialize the same in the procedures and thereafter seek to deny such rental requests under the authorities of Idaho Code 42-1763.

In recognition that the real outcomes of the moratorium may not accomplish the stated objectives of the action, and that section 3.5.2(c) may effectively nullify the effect of the moratorium, and that there may be other ways to authorize a denial of rentals of storage water to “new” lands without implementing a moratorium, the IWRB might consider continued engagement with the Co9, to assist them in crafting alternative provisions into future iterations of the rental pool procedures.

Administrative fees levied by the rental pool local committee

Water Supply Bank Rule 40.1.i authorizes rental pool local committees to levy an administrative fee on all rental pool rentals. The 2021 procedures for the Upper Snake River Rental Pool acknowledge that at least two, and maybe more, administrative fees are being collected. A rule change or change to the procedures may be warranted to keep the procedures consistent with Water Supply Bank rules.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF APPROVAL OF AMENDED
RENTAL POOL PROCEDURES FOR THE UPPER
SNAKE RIVER RENTAL POOL

RESOLUTION TO APPROVE AMENDED RENTAL
POOL PROCEDURES FOR 20201

1 WHEREAS, section 42-1765, Idaho Code and subsections of IDAPA 37.02.030.40, Water
2 Supply Bank Rule 40, authorizes the Idaho Water Resource Board to appoint local committees to
3 facilitate the lease and rental of stored water within rental pools; and
4

5 WHEREAS, the Water District 01 Advisory Committee is the local committee appointed by
6 the Idaho Water Resource Board to facilitate the lease and rental of stored water within the
7 Upper Snake River Rental Pool; and
8

9 WHEREAS, the Water District 01 Advisory Committee has adopted amended procedures
10 for the calendar year 2021, pursuant to which they intend to facilitate the lease and rental of
11 rental pool stored water; and
12

13 WHEREAS, the Director of the Department of Water Resources has reviewed the local
14 committee procedures and may recommend that the Idaho Water Resource Board approve the
15 rental pool procedures; and
16

17 NOW, THEREFORE BE IT RESOLVED that the amended Upper Snake River Rental Pool
18 procedures are approved by the Idaho Water Resource Board.

DATED this 21st day of May, 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST _____
JO ANN COLE-HANSEN, Secretary

Memorandum



To: Idaho Water Resource Board (IWRB)
From: Neeley Miller, Planning & Projects Bureau
Date: May 11, 2021
Re: Priest Lake Water Management Project Update

ACTION: No action is requested at this time

Background

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

Phase 1: The Priest Lake Water Management Study was completed in February 2018. The study included the following recommendations:

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

Phase 2: The Priest Lake Water Management Project – Preliminary Engineering & Design concluded in the fall 2019.

Phase 3: Final Engineering & Design which includes finalizing regulatory permitting and bidding assistance began in November 2019 and concluded in August 2020.

Phase 4: Construction and Construction Management

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

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

Schedule

- April 2021- Thorofare Improvements project final walk through completed. Site clean up at the outlet dam completed per the landowner access agreements. Outlet dam work will recommence in the fall of 2021.
- May 2021 - Finalize Thorofare punchlist items and construction contract.
- Continue to collaborate with Bonner County and other location entities to ensure local contributions toward the project.
- Spring – Summer 2021 - Water Right Application for Permit Research
- Spring - Summer 2021 - Ongoing negotiations with contractor to in preparation for season two of Outlet Dam construction
- Fall/Winter 2021/2022 - Outlet Dam project will commence and be completed no later than June 1, 2022.







*Conservation
Economics
Institute*

Bear Lake Economic Proposal

Executive Summary of CEI's Proposal to Bear Lake Committee

Bear Lake is an economically important resource located in northeastern Utah and southeastern Idaho. Split almost equally between Idaho and Utah, Bear Lake is a summer destination for numerous vacationers providing for ample regional economic impacts and contributions to local residents and businesses that have been there for generations. Its turquoise-colored waters also attract residents from Salt Lake City and other nearby communities as place to own a second home or recreational housing, enhancing regional tax revenues and increasing the number of stakeholders that are concerned about the sustainability of Bear Lake.

Bear Lake is a water body of many uses that all depend on the quality and quantity of water passing through the lake. In addition to supporting many forms of water-based recreation like boating, jet skiing, fishing, and camping, the water from Bear Lake is used for irrigation of agriculture and ranching. The uses of Bear Lake water can be contentious as water used for one activity typically cannot be used for another, as is the case with lake recreation and irrigation. Ecologically, Bear Lake is unique and hosts a number of endemic species.

Communities adjacent to Bear Lake, including Garden City and Laketown in Utah and St. Charles in Idaho, are economically dependent on Bear Lake visitors and family vacationers. Summer vacationers flock to Bear Lake, especially for community gatherings like the Raspberry Days Festival. While winter is the slow season, snowmobiling and annual traditions like Winterfest and the Cisco Disco add warmth to the cold days. With families and visitors repeatedly coming back to Bear Lake, the adjacent gateway communities are dependent upon a healthy and full Bear Lake.

Conservation and smart policies are needed to keep clean and abundant water in Bear Lake and to sustain the regional economic contributions and benefits afforded by Bear Lake. A prerequisite for developing long-term, sustainable policies for Bear Lake is to fully understand the current economic and ecosystem benefits flowing from Bear Lake. However, there is currently little information, or monitoring baselines, in place. While anecdotal information on economic and ecological trends and changes to Bear Lake are helpful, collecting and synthesizing scientific data that measure the economic effects of Bear Lake will allow for objective data to inform future land use decisions. Primary economic data can also illustrate how changes in the quality and quantity of Bear Lake water can impact economic contributions and ecosystem services.

In order to measure the economic contributions of Bear Lake, the Conservation Economics Institute (CEI) is proposing a comprehensive economic study that directly responds to the RFP. We propose three primary research methods that, in concert, would provide the most comprehensive and influential information to be used by Bear Lake stakeholders and decision-makers. The most important research component is conducting a regional economic contribution analysis of visitor expenditures to understand the amount of regional jobs, income, and value-added sustained by Bear Lake visitation.

Separately, an assessment of second home ownership and amenity development will be conducted. Finally, natural capital and ecosystem service valuations will be conducted to more fully understand the competing uses of Bear Lake water and how changes to water quality and quantity may effect ecosystem service stocks and flows.

Detailed Response

I. Identification of the contractor and qualifications:

Name of firm and contact information

Conservation Economics Institute, PO Box 5454, Twin Falls, ID 83301, www.conservationecon.org, 208-869-1675, Evan Hjerpe, Executive Director (evan@conservationecon.org)

Description of the firm's general background and capabilities

The Conservation Economics Institute (CEI) is a 501(c)3 nonprofit organization that provides independent research on economic means to simultaneously provide for biodiversity, ecological health, and community welfare. CEI's mission is to apply economics to the sustainable management of our natural resources, the development of healthy communities, and the conservation of nature.

CEI is a network of expert environmental and ecological economists that come from academia, NGOs, and the private sector. Pulling from years of combined economics experience, we apply numerous statistical, market, and non-market methods to inform businesses, policy, and the public. Since 2014, CEI has consulted and collaborated with more than 30 universities, federal agencies, state and local governments, and conservation organizations. Our focus is on providing economic values for monitoring and policy development.

We have a wide array of economic methods and tools to illustrate the economic effects and consequences of various development types. Economic development is both a driver and consequence of environmental dynamics. As such, each policy solution is unique, calling for varied methods including:

- Market Valuation (economic impact analysis, net present valuation, contribution analysis, trend analysis);
- Non-Market Valuation and Mixed (replacement cost, hedonic pricing, contingent valuation, willingness-to-pay, travel cost);
- Total Valuation (econometrics and statistical analysis, cost/benefit analysis, return on investment, linear programming, net present valuation)

II. Experience information

Description of the specific related experience of staff on similar projects and how it relates to the proposed work

CEI's cadre of Ph.D. economists have conducted numerous economic impact and contribution analyses related to tourism and outdoor recreation, amenity migration and development studies, and ecosystem service valuations. Most of our research ends up being published in peer-reviewed academic journals in order to enhance the legal and policy influence of our economic measurements. Our research is routinely cited in agency NEPA documents, books, and journals.

Principal investigator Dr. Evan Hjerpe and CEI have conducted many economic impact and contribution analyses of outdoor recreation, with a specific focus on water recreation. Dr. Hjerpe has two decades of experience including the first quantification of the economic impacts of boating in Grand Canyon National Park. With CEI, Dr. Hjerpe conducted an economic impact analysis of Boundary Waters Wilderness visitors, which is very similar to the requested Bear Lake analysis. Dr. Hjerpe is experienced at designing and implementing surveys of recreation visitors. All CEI Economists have abundant experience in conducting research on the values associated with nature and natural amenities.

Examples of similar studies

For water recreation, please see the [economic impacts of boating in Grand Canyon National Park](#), [economic impact analysis of Boundary Waters Wilderness visitors](#), and the subsequent [published](#) journal article in *Ecological Economics*. Other CEI economic contribution analyses include the [economic values of Roadless areas](#) and the [economics of forest restoration in northern Arizona](#).

In terms of the other research topics included in our proposal, amenity development and ecosystem service valuation, CEI Economists are leading experts in these fields as well. We have recent econometric research on understanding the [role of public lands in amenity migration in the rural West](#), a [choice experiment on willingness to pay for conserving ecosystem services](#) on the Tongass National Forest, a [meta-analysis of global ecosystem conservation](#) and their ecosystem services, and a [total economic valuation](#) of National Park Service lands and programs.

We have a number of other relevant studies as well. If you would like references to previous clients, please let us know.

III. Description of the proposed project team

The project will be led by principal investigator Dr. Evan Hjerpe. CEI Economists Dr. Michelle Haefele and Dr. Gwen Aldrich will provide assistance in many phases of the research. Additional assistance on research and methods will come from Dr. Anwar Hussain, while mapping services will be provided by our GIS analyst Leah Dunn. Dr. Hjerpe will coordinate with the stakeholder committee about the inclusion of one or two graduate students to help with data collection and regional interviews. CEI has previously hired interns and has collaborated with students on research projects.

Evan Hjerpe holds a Ph.D. in forest economics and management from Northern Arizona University, where he also was a visiting assistant professor. Evan is founder and Executive Director of the Conservation Economics Institute and is an Affiliated Expert for the Aldo Leopold Wilderness Research Institute. His expertise includes outdoor recreation impacts, conservation benefits, public lands management, amenity migration, and ecosystem services. He has consulted for private businesses, non-

profit organizations, federal agencies, and universities. Evan has conducted a number of economic impact analyses, meta-analyses, non-market valuations, and ecosystem service valuations. He has published in academic journals, magazines, and books.

Michelle Haefele has twenty years of research experience in environmental economics, working for the USDA Forest Service, The Wilderness Society and currently Colorado State University. Her research includes the economic value of public lands, the National Park Service, multi-country willingness to pay for migratory wildlife species habitat, the economic consequences of oil and gas development, and the value of ecosystem services. She has a Ph.D. in environmental and natural resource economics from Colorado State University, M.S. in environmental economics and policy from Duke University, and a B.S. in natural resource management from Colorado State.

Gwendolyn Aldrich holds a MS in Agricultural & Resource Economics from Oregon State University and a Ph.D. in Economics with an emphasis on natural resource & environmental economics from the University of New Mexico. She has 10 years of experience, most recently at the University of New Mexico's Bureau of Business & Economic Research. Gwendolyn has conducted research on a broad array of environmental issues, including exhaustible resource extraction, resource valuation, regulation and natural resource management, urban development, and the control of invasive species.

Anwar Hussain works as Research Analyst for the State of Alaska, and serves as an Adjunct Faculty Forest Policy Center, School of Forestry & Wildlife Sciences, Auburn University. He earned his BA and MA Economics degrees from the University of Peshawar, Pakistan, and an MS Agricultural and Applied Economics as well as a Ph.D. in Forestry and Agricultural Economics from the University of Minnesota. His research interests include project appraisal, natural resource economics, regional economic analysis, applied econometrics and general equilibrium modeling.

Leah Dunn is a GIS analyst and landscape ecologist. She works with Boise State University and serves as Vice-President for the Idaho's SW Chapter of the National Audubon Society. Leah has particular expertise in avian ecology and conservation and has consulted for various nonprofits, state, and federal agencies.

IV. Description of approach and methodology

Bear Lake is a natural amenity that attracts visitors and migrants, provides numerous recreational opportunities, and provides for ecosystem services. The ecological and economic services provided by Bear Lake spur abundant regional economic contributions, but the level and quality of these contributions have yet to be scientifically assessed. Understanding and documenting the regional economic contributions of Bear Lake can be very useful for the development of policies that can optimize the future of the Bear Lake Region.

With various types of economic effects generated by Bear Lake, including both market and non-market values, a multi-pronged economic valuation approach is required. We propose three valuation components that, when combined, will comprehensively illustrate the economic values generated by Bear Lake and can be used to project changes in values based on water levels and quality and will be most impactful for influencing future policies to ensure the sustainable production of Bear Lake benefits. The three components discussed below are: 1) a regional economic contribution/impact analysis; 2) a

calculation of amenity migration and development, along with second home ownership economic impacts (contributions not included in the Step 1 contribution analysis); and 3) a synthesis of the multiple values and tradeoffs associated with water flows and uses of Bear Lake, including ecosystem service and natural capital values. Deliverables will include a final report, executive summary, a description of economic methods, and numerous visual displays of information to be used for fact sheets and outreach.

1. We believe that the most important economic valuation methodology for estimating regional economic contributions of Bear Lake should be centered on estimating the market values, such as employment, income, and output, attributable to Bear Lake visitation and recreation. Gateway communities to Bear Lake include numerous businesses that provide goods and services to visitors that come for a weekend or for a week-long family vacation. These visitors bring outside money into Rich County and Bear Lake County.

Economic contribution analysis, and its closely related method economic impact analysis, is a formal economic method that utilizes collected regional expenditures to estimate regional jobs and taxes spurred by a specific activity such as Bear Lake visitation. Economic contribution analysis also uses a regional accounting matrix (known as input-output models) and impact analysis software, such as IMPLAN, to measure multiplier effects of visitor expenditures. That is, initial expenditures in Bear Lake communities generate indirect and induced effects as well, where the purchase of food, lodging, and fuel spur backward linkages of spending for materials and services required to provide the final service and regional spending of wages.

-How will this work element be accomplished?

To conduct economic contribution analysis, we will administer a survey of Bear Lake recreationists and visitors. The primary research steps for investigating the economic contributions of Bear Lake visitor expenditures include:

- Designing and pre-testing a survey to determine regional expenditures made in various sectors (food and beverage, outfitters/guides, lodging, gear rental, fuel, etc.);
- Providing Bear Lake visitors with the opportunity to participate in a mail-in or web-based survey (will offer incentive);
- Administering survey and collecting and entering data;
- Conducting data analysis (descriptive statistics);
- Processing regional expenditures through a multi-county IMPLAN impact analysis for the regional economy comprised of Rich County, Utah and Bear Lake County, Idaho and through a two-state economy of both Utah and Idaho;
- Estimating regional economic contributions by employment, output, income, and value-added;
- Estimating industry sector impacts and multiplier effects;
- Evaluating prominence of these activities among the overall regional economy and two-state economy;

- Comparing results to other forms of outdoor recreation;
- Placing Bear Lake economic contributions within the larger economic context; and
- Disseminating findings through final reports and follow-up outreach.

We will survey a random sample of summer 2021 visitors. We will work with local businesses, campground hosts, and others to have surveys distributed at multiple access points around and near Bear Lake. We will aim to have 1,000 Bear Lake visitors pick up surveys. We hope for a response rate of 40 percent yielding a subsample of 400 visitors. But to be safe, the minimum required sample size needed for statistical significance (approx. 90 percent) is around 100 respondents. Thus, we will have robust results with a response rate as little as ten percent. When possible, Dillman survey methods will be employed. Additionally, we will attempt to quantify and characterize the off-season and winter use and expenditures. All survey dissemination and returns will be conducted under COVID-19 safe protocols.

2. Some of the Bear Lake visitors enjoy recreating on and around the lake so much that they purchase recreational, or second homes, near the lake. This type of development is known as amenity development and leads to a high number of houses and cabins that are used as time-shares, short term rentals such as those available on Airbnb or Vrbo, and personal vacation residences. Amenity development can be a positive economic influence for rural areas, leading to regional increases in tax revenues, per capita income, and employment.

However, too much amenity development can also create equity and cultural issues as the cost of living, particularly housing prices, can rapidly rise and new residents often have conflicting wants and needs as compared to long-term residents. Balancing amenity development in rural regions with “smart growth” is paramount to maximizing economic benefits while minimizing cultural and equity issues. Measuring the current amount of amenity development in the Bear Lake region, along with understanding past trends, provides the initial information needed to construct smart amenity development policy.

-How will this work element be accomplished?

Assessing amenity development and a focus on resident and part-time resident economic contributions are not included in traditional economic contribution analyses (see previous work task) because their economic impacts are considered as recirculated wealth inside the region. So, we will conduct a separate analysis of amenity development.

To assess amenity development and potential of the Bear Lake region, we will collate descriptive statistics for the regional economies of Rich and Bear Lake counties. “Destination” metrics including visitation rates, in-migration rates, percent seasonal/recreational housing, and regional ranking of housing values will be collected and presented over time. Time trend analysis will be visually displayed in charts and graphs. Likewise, a collection of amenities including natural, social, and climatic amenities

will be collected and compared to other regions in Idaho and Utah and the Inter-Mountain West.¹ An assessment of amenity development indicators and trends will provide a monitoring baseline while illustrating amenities most important for marketing and branding of Bear Lake gateway communities.

3. Finally, a synthesis of the multiple values and tradeoffs associated with water flows and uses of Bear Lake will be conducted, including a valuation of primary ecosystem services and natural capital afforded by Bear Lake. Ecosystem services are the benefits that nature provides to humans. Natural treasures such as Bear Lake provide numerous high-quality ecosystem services both onsite and offsite that result in both marketized and non-market values. Documenting the evidenced-based non-monetary contributions of Bear Lake ecosystem services, along with some of the marketed ecosystem services, will provide valuable information when determining trade-offs among various Bear Lake water uses.

Ecosystem services are a result of how Bear Lake's natural capital, or wealth, is utilized by society. Ecosystem services are typically categorized as provisioning, cultural, regulating, or supporting services. Provisioning services include the production of food, water, and materials for buildings, while cultural services include opportunities for outdoor exploration and existence and bequest values of just knowing that Bear Lake will continue to have ample water of high-quality. Regulating and supporting services are the biophysical processes that help regulate regional climate and provide the building blocks for biodiversity and natural goods and services. Most ecosystem services are undervalued due to a lack of full understanding of biophysical processes and their sustainability.

-How will this work element be accomplished?

We will quantify some of the most high-profile ecosystem services and will qualitatively present others. Bear Lake water is used as irrigation for agriculture crops and ranching. While a local market price per cubic foot of Bear Lake water (upstream and downstream) can and will be assessed, we need to also understand that the market value of Bear Lake water undervalues the true value of the water as an ecosystem service. That is, the nonmarket values of retaining water in the lake, as opposed to using it for another service, are opportunity costs that are not fully considered when utilizing a quasi-public good like Bear Lake. Additionally, pesticide, fertilizer, and other chemical treatments within the Bear Lake watershed can damage the quality of the water. This in turn, diminishes the other ecosystem services produced by Bear Lake, like fishing or swimming, but these trade-offs are often not considered in policy development.

We will employ benefit transfer methods for determining primary ecosystem service values. Benefit transfer methods are used to extrapolate primary data from similar natural sites to the Bear Lake region. We will conduct a review of the pertinent literature, that we are very familiar with, to identify previous primary studies and meta-analyses that may be applicable to Bear Lake ecosystem services. Primary ecosystem services that will be valued include the economic value of water quantity, water quality,

¹ CEI maintains a database of numerous amenity characteristics of all Western rural counties and uses this information to assess regional amenity migration and development (see Hjerpe et al. 2020 for the compiled variables, sources, and influences on amenity migration).

and willingness to pay for lake/water conservation, along with their associated services such as irrigation, recreation, aesthetics, and primary productivity (e.g., endemic species).

We will limit our ecosystem service valuations to the primary services in consultation with the committee. We do not feel that a full valuation of all ecosystem services using benefits transfer methods² is a worthwhile endeavor for this project. That is, Bear Lake's ecosystem services total immense value, but putting a monetary tab on this value is of little use in understanding marginal changes in services based on different water levels and water quality.

V. Budget and Timeline

The following line items detail the budgetary costs required for the proposed research. CEI Economists have a pay rate of \$100/hour or \$4,000/week.³

Survey Costs:

• Survey design and pre-test (2 weeks @ \$4,000/week)	\$8,000
• Data collection and management (2 weeks @ \$4,000/week)	\$8,000
• Data entry for surveys (1 week @ \$4,000/week)	<u>\$4,000</u>
Sub-Total:	\$20,000

Research and Data Analysis:

• Literature review (1 week @ \$4,000/week)	\$4,000
• Additional data collection from businesses and stakeholders (1 week @ \$4,000/week)	\$4,000
• Descriptive statistics (1 week @ \$4,000/week)	\$4,000
• IMPLAN analysis and interpretation (1 week @ \$4,000/week)	\$4,000
• Amenity development assessment (2 weeks @ \$4,000/week)	\$8,000
• Ecosystem service valuation (1.5 weeks @ \$4,000/week)	\$6,000
• Drafting Final Report and Outreach materials (2 weeks @ \$4,000/week)	\$8,000
• Reviews and revisions (.5 weeks @ \$4,000/week)	<u>\$2,000</u>
Sub-Total:	\$40,000

Materials:

• IMPLAN county level data (2 counties at \$1500/county)	\$3,000
• IMPLAN state level data (2 states at \$1500/state)	\$3,000
• Survey Monkey online (1 annual subscription)	\$300
• Miscellaneous survey materials, post office survey collection, etc.	<u>\$500</u>
Sub-Total:	\$6,800

Travel:⁴

• One trip by PI Dr. Evan Hjerpe (travel/driving @ \$500; 3 nights lodging @ \$125/night)	\$875
• On-site meetings, scoping/outreach, travel time, per diem (.75 weeks @ \$4,000/week)	<u>\$3,000</u>

² E.g., Costanza et al.'s 1997 estimate that the earth's annual ecosystem services value is at least \$33 trillion.

³ Our budget does not include labor costs associated with graduate student help or other stakeholder assistance with survey dissemination. We are hoping to get some assistance that may be funded from other sources and may have to allocate some of our budget costs to intern/student assistance.

⁴ On-site travel to the Bear Lake region would be beneficial in May 2021 and after project completion (November 2021 for presentation of results). To keep budget costs down, only one trip is included in the budget. The PI will work with the committee to determine optimal travel time.

Sub-Total:	\$3,875
Project Management:	
• Direct project and coordinate with committee (1 week @ \$4,000/week)	<u>\$4,000</u>
Sub-Total:	<u>\$4,000</u>
Project Direct Costs:	\$74,675
CEI Indirect (@20% of Direct Costs) ⁵	<u>\$14,935</u>
Project Total Estimate:	\$89,610

Proposed Timeline:

Project Milestones	2021									
	Winter	Spring			Summer			Fall		Dec
Literature Review										
Development of Methods										
Survey Design and Pre-Test										
Amenity Development Assessment										
Ecosystem Service Valuation										
Survey Distribution										
Survey Follow-up and Assistance										
Survey Data Entry										
Analysis										
Write-up of Report										
Review process and Final Report										

⁵CEI indirect costs cover business and administration costs necessary to provide our services including staff benefits, offices, access to literature, supplies, equipment, management, and administration. CEI's indirect rate broadly captures most of these costs per project, though it is often an underestimate.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE BEAR LAKE
ECONOMIC STUDY

RESOLUTION

1 WHEREAS, the Bear River flows through the states of Idaho, Wyoming and Utah. It begins
2 in the Unita Mountains of Utah, meanders back and forth between Utah and Wyoming before
3 entering Idaho near Montpelier and flowing through Idaho and Utah before ending in the Great
4 Salt Lake, and

5
6 WHEREAS, the entire flow of the Bear River is diverted at Stewart Dam, through Mud Lake
7 and into Bear Lake, which is used as a storage reservoir. Water is subsequently released back to
8 the Bear River channel for downstream uses, and

9
10 WHEREAS, the Bear River is subject to an interstate compact dated February 8, 1980 and
11 codified by Idaho Code § 42-2402, and

12
13 WHEREAS, the Bear River Compact sets forth, among other items, allocation in the Lower
14 Division between Idaho and Utah for future water development, including ground water, and

15
16 WHEREAS, under the Bear River Compact, Idaho has the first right to the remaining water
17 in the Lower Division resulting in an annual depletion of not more than 125,000 acre-feet, and
18 Utah has the second right to the remaining water in the Lower Division resulting in an annual
19 depletion of not more than 225,000 acre-feet, and

20
21 WHEREAS, State Water Plan Policy 5A provides that “Water use and management in the
22 Bear River Basin shall conform to the allocations agreed to in the Bear River Compact”, and

23
24 WHEREAS, State Water Plan Policy 5B provides that “The Idaho Water Resource Board
25 supports enhancing water supplies, increasing water use efficiency, and implementing water
26 supply bank mechanisms to help meet future water needs in the Bear River Basin”, and

27
28 WHEREAS, State Water Plan Policy 5B further provides that “the state should move
29 forward with the development of Idaho’s depletion allocation as provided for in the Compact.”,
30 and

31
32 WHEREAS, pursuant to the designation of the Bear River Ground Water Management
33 Area, a Management Plan for the ground water management area was prepared by a committee
34 of local stakeholders and adopted by the Director of the Department of Water Resources in 2003.

35 Among other recommendations the Management Plan states “The advisory committee
36 recommended preparation of a comprehensive state water plan for the Bear River Basin in Idaho.
37 A water plan could recommend feasibility studies for new storage facilities and other water
38 supply enhancements. Additional storage could facilitate development of the first 125,000 acre
39 feet of depletion allowed to Idaho under the Compact. New storage could be in surface
40 reservoirs or underground as managed aquifer recharge.”, and

41
42 WHEREAS, the Idaho Water Resource Board (IWRB) hold a minimum lake level water right
43 from the bottom of Bear lake to elevation 5902 feet, and
44

45 WHEREAS, PacifiCorp owns the facilities used to store water in Bear lake and operates the
46 water storage reservoir portion of the lake between elevations 5902 feet and 5923.56 feet, and
47

48 WHEREAS, in 2004 PacifiCorp entered into the Amended and Restated Bear Lake
49 Settlement Agreement with various Idaho and Utah entities regarding irrigation water delivery,
50 and
51

52 WHEREAS, PacifiCorp entered in to the 1995 and 2000 Operation Agreements with Utah,
53 Wyoming, and Idaho regarding operations of Bear Lake, and
54

55 WHEREAS, under normal conditions, Bear Lake operations by PacifiCorp sets a March 31
56 lake level target elevation on 5918 feet, known as the PTE, which is set to maintain space in the
57 lake for flood control during high runoff periods while meeting contract requirements for Bear
58 Lake storage water; and
59

60 WHEREAS, there appears to be opportunity to utilize the space in Bear Lake between the
61 elevations of 5918 and 5923.65 feet to store water that is otherwise released from the lake or
62 bypassed past the lake to maintain the March 31 target elevation of 5918 feet, and
63

64 WHEREAS, in 2018 the IWRB, together with the State of Utah, filed a water right
65 application to store additional water in Bear Lake for multiple purposes, and
66

67 WHEREAS, the IWRB together with the State of Utah and PacifiCorp have been working
68 to model the effects of storing additional water in Bear Lake; and
69

70 WHEREAS, modeling results indicate that, in addition to water storage benefits for
71 multiple purposes, storing additional water in Bear Lake may enhance the recreational and
72 environmental benefits provided by Bear Lake, and
73

74 WHEREAS, Bear Lake interests have requested the IWRB’s participation in a proposed
75 economic evaluation of environmental and recreational benefits provided by Bear Lake.
76

77 NOW THEREFORE BE IN RESOLVED that the IWRB authorized the expenditure or
78 \$_____ from the Secondary Aquifer Planning Management and Implementation Fund for the
79 purpose of assisting with the Bear Lake Economic Proposal as attached to this resolution, and
80 provided authority to the Chair or his designee to enter into agreements on behalf of the IWRB
81 for the purpose of this resolution.

DATED this 21st day of May, 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST _____
JO ANN COLE-HANSEN, Secretary

Memorandum

To: Idaho Water Resource Board
From: Brian Patton
Date: May 12, 2021
Re: Potential Legislation of Interest



Garrick Baxter will provide the latest information on legislation of interest. He may provide materials at the meeting.

Memorandum


To: Idaho Water Resource Board
From: Brian Patton
Date: May 12, 2021
Re: Administrative Rules



Mathew Weaver will provide the latest information on administrative rules. He may provide materials at the meeting.

Memo

To: Idaho Water Resource Board

From: Mat Weaver 

Date: May 18, 2021

Re: **Administrative Rulemaking Update**

Requested Action Item

Adopt and authorize the publication of the Idaho Water Resource Board's ("IWRB") current "Non-Fee Rules" as "Temporary Rules" to be effective July 1, 2021, in the event the Legislature does not act before that date to reauthorize the IDAPA 37 non-fee rules consistent with the Administrative Procedure Act. 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 control of the Director of the Idaho Department of Water Resources ("IDWR").

Precautionary Publication of Current Non-Fee Rules as Temporary Rules

On April 27, 2021, the Division of Financial Management (“DFM”) issued a memorandum to all executive agencies with the subject line “Process to Reauthorize Non-Fee Rules Beyond July 1.” A copy of DFM’s April 27 memo is included with this briefing memo. DFM’s April 27 memo directs all executive agencies to adopt currently codified non-fee rules “with any amendments submitted to the 2021 Legislature” included. Agencies must also submit a completed Notice of Adoption of Temporary Rule form to DFM by June 4, 2021. Adoption of the temporary rule is conditional, and the rules will only become effective on July 1, 2021, if the Legislature does not otherwise approve the rules consistent with the Idaho Administrative Procedures Act, including sections 67-5291 and 67-5292, Idaho Code.”

In response to DFM’s request, staff has prepared omnibus Docket 37-0000-2100 (IWRB and IDWR omnibus fee rule docket). A copy of the final signed docket notice is included with this briefing memo. Staff has also prepared a resolution, included with this briefing memo, for the IWRB’s consideration. The resolution will adopt the temporary non-fee rules and authorize their subsequent publication.

Following authorization from the Board, DFM will publish the notice of the IWRB’s temporary rulemaking in a special edition of the Idaho Administrative Bulletin on or around July 21, 2021.

Status of IDAPA 37.01.01 (Rules of Procedure) ZBR Rulemaking

Department staff is currently in the process of negotiated rulemaking for the IWRB’s and IDWR’s (“IWRB/IDWR”) Rules of Procedure (IDAPA 37.01.01). Staff is conducting this rulemaking consistent with the Governor’s Zero-Based Rulemaking (“ZBR”) initiative. Staff prepared a [strawman rule](#) and held the first negotiated rulemaking meeting on May 12. At the meeting, staff reviewed the strawman with stakeholders, answered questions, and coordinated discussion.

One important issue discussed at the meeting is whether the IWRB/IDWR should revise their rules of procedure to incorporate the Attorney General’s (“AG”) rules of procedure by reference everywhere there is duplication between the rules. Referencing the AG’s rules of procedure would reduce the page count and word count rule for the IWRB/IDWR rules of procedure, which is an objective of the Governor’s through the ZBR process. However, referencing the AG’s rules of procedure would mean participants in contested case matters would have to reference two separate rules. This issue remains unresolved.

At the first negotiated rulemaking meeting, the stakeholders committed to submitting written comments on the rule by May 26, 2021. In response to the comments, staff will develop a revised strawman and send it out to stakeholders. The stakeholders agreed that another public meeting is necessary, and it is scheduled for June 16, 2021.

All materials related to the rules of procedure rulemaking are published on IDWR’s IDAPA 37.01.01 rulemaking [webpage](#).

Status of IDAPA 37.03.07.61 (SCA Suction Dredge Mining Rule) ZBR Rulemaking

Department staff is also currently in the process of negotiated rulemaking for the IWRB's Stream Channel Alteration Rules Minimum Standard Rule 61 (IDAPA 37.03.07.61). Rule 61 governs the expedited permitting of "suction dredges and non-powered sluice equipment." Staff is conducting this rulemaking consistent with the ZBR process. Staff prepared and published a [strawman rule](#) and held the first negotiated rulemaking meeting on April 27. More than 50 stakeholders participated in the meeting.

At the meeting, staff set a deadline to submit comments by May 14. Many timely comments were received and are published on IDWR's IDAPA 37.03.07.61 rulemaking [webpage](#). Comments range from complete support for the strawman rule to a call for the complete "rescission" of the rule. One important issue discussed at the meeting, is the rule's treatment of "mechanized equipment," other than the "dredge itself, and any life support system necessary to operate the dredge." Of particular concern is what, if any, limits should apply to the use of winches or mechanical hoists to move rocks within the stream channel. This issue remains unresolved.

A second negotiated rulemaking meeting is scheduled for June 2, 2021.



State of Idaho
DIVISION OF FINANCIAL MANAGEMENT
Executive Office of the Governor

BRAD LITTLE
Governor

ALEX J. ADAMS
Administrator

April 27, 2021

MEMORANDUM

TO: Rules Review Officers/Agency Rules Contacts

FROM: Alex J. Adams 

SUBJECT: Process to Reauthorize Non-Fee Rules Beyond July 1

In the event the Idaho Legislature does not reauthorize the existing non-fee administrative rules as set forth in Section 67-5292, Idaho Code, this will require executive administrative action to ensure existing rules remain in effect in FY22. The following lays out the Governor's plan to accomplish this process. **This memo only applies to the reauthorization of the Non-Fee Rules.**

The Governor has directed DFM and all state executive agencies to exercise necessary executive authority to minimize the impact on state agencies, and the public most importantly. The efficient operation of state government is a priority to Governor Little, and the people of Idaho expect it.

Fee Rules: State agencies/Boards/Commissions have already taken action to ensure the Fee rules will remain in effect. The Fee rules have been adopted as temporary rules and will become effective upon sine die of the 2021 Legislative Session. The Fee rules will be published in a future administrative bulletin on or around July 21, 2021. Therefore, no additional action is necessary from agencies on fee rules.

Non-Fee Rules: DFM will begin the process of re-publishing existing non-fee rules by IDAPA chapter, using the engrossed rules updated for 2021 legislative action. Rules will be published in a special edition of the Idaho Administrative Bulletin on or around July 21, 2021. The temporary rules will have an effective date of July 1, 2021, to ensure there is no gap with the expiring rules.

1. Agencies must submit a completed Notice of Adoption of Temporary Rule form to DFM by June 4th, 2021.

- A template for adoption of Temporary Rule Notice is enclosed for the non-fee rules.
- Rules should be adopted as currently codified along with any amendments submitted to the 2021 Legislature with the following conditions.
- DFM has limited capacity to make edits at the proof stage given the volume and timing. Depending on the extensiveness of edits, we may be able to adopt edits of the following nature:
 - Technical corrections or minor edits necessitated by legislative action.
 - Specific changes directed during legislative review that would have otherwise taken effect under the Administrative Procedures Act.
 - COVID-19 changes that have been vetted in public (telephonic) meetings.
 - **Allow Rule to Expire** - If an agency intends to eliminate a rule, the rule will expire by default on June 30th, 2021. No ARRF is needed and no legislative review of the chapter will occur during the 2022 session.

- Please reach out to DFM at your earliest convenience if you have changes to make to your temporary rules.
- Plan to submit such minor edits at the proof stage on the official documents provided by DFM.
- The non-fee temporary rulemaking will be published as 1 **single** omnibus docket for each agency.
- No ARRF will be required.
- **Please submit completed Temporary Notices to adminrules@dfm.idaho.gov by June 4th, 2021.**

2. If rulemaking authority is vested in a board or commission – not agency staff – the board or commission must convene to properly authorize the rulemaking action. This is required by law. Please work closely with your attorney to ensure the Notice is properly authorized.

- The meeting must be scheduled in a timeframe to submit a completed Notice to DFM prior to the June 4th deadline.
- The motion should be made as follows:

“Pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of this rule is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens.

These 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.

Therefore, we are adopting this temporary rule to be effective upon July 1, 2021. The approval is conditional and will only become effective if the rules are not otherwise approved or rejected by the Legislature and/or not extended pursuant to the Idaho Administrative Procedure Act, including sections 67-5291 and 67-5292, Idaho Code.”

3. For these temporary rules only, agencies do not have to accept written comments pursuant to 67-5222(a) as its requirement and deadline applies to “publication of the notice of *proposed* rulemaking in the bulletin” (emphasis added).

4. Each agency must keep all records of this rulemaking process for at least two (2) years pursuant to Idaho Code § 67-5225. Please ensure the record is thorough and complete.

Looking Ahead: Proposed and Pending 2021 Omnibus Rulemaking / Zero-Based Rulemaking

We have an immediate focus on ensuring necessary non-fee rules continue in full force and effect starting July 1. Later this week, we will share additional information on the process for other rulemaking efforts, including the kickoff of zero-based rulemaking.

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

DOCKET NO. 37-0000-2100

NOTICE OF OMNIBUS RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule(s) being adopted through this omnibus rulemaking as listed in the descriptive summary of this notice is July 1, 2021.

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.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting the temporary rules:

This temporary rulemaking adopts the following chapter(s) under IDAPA 37:

- 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: This rulemaking does not impose a fee or charge.

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

DATED this 18th of May, 2021



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

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF ADOPTING TEMPORARY
NON-FEE RULES TO BE EFFECTIVE JULY 1,
2021

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

1 WHEREAS, the Idaho Water Resource Board ("IWRB") is the executive branch entity with
2 statutory oversight and authority over 12 chapters of Administrative Rules in IDAPA 37, including:
3 IDAPA 37.01.01 Rules of Procedure of the IDWR; IDAPA 37.02.01 Comprehensive State Water
4 Plan Rules; IDAPA 27.02.03 Water Supply Bank Rules; IDAPA 37.02.04 Shoshone Bannock Tribal
5 Water Supply Bank Rules; IDAPA 37.03.03 Rules and Minimum Standards for the Construction
6 and Use of Injection Wells; IDAPA 37.03.04 Drilling for Geothermal Resources Rules; IDAPA
7 37.03.05 Mines Tailing Impoundment Structures Rules; IDAPA 37.03.06 Safety of Dams Rules;
8 IDAPA 37.03.07 Stream Channel Alteration Rules; IDAPA 37.03.09 Well Construction Standards
9 and Rules; and IDAPA 37.03.10 Well Driller Licensing Rules; and

10 WHEREAS, as stated in Idaho Code, § 67-5292, *"every adopted rule shall automatically*
11 *expire on July 1 of the following year unless the rule is extended by statute"* and the extension of
12 Idaho's administrative rules by statute requires the Idaho Legislature to pass a bill every year
13 reauthorizing Idaho's administrative rules for another year prior to adjourning the legislative
14 session; and

15 WHEREAS, the 2021 Idaho House of Representatives ("House") recessed on May 12, 2021,
16 without the Idaho Legislature reauthorizing the IWRB's administrative non-fee rules, or the
17 House establishing a date certain that it would reconvene; and

18 WHEREAS, the IWRB's administrative non-fee rules will expire on July 1, 2021; and

19 WHEREAS, the IWRB has already taken action to ensure its administrative fee rules will
20 remain in effect on July 1, 2021, by adopting them as temporary rules in its Resolution No. 06-
21 2021 on March 2, 2021; and

22 WHEREAS, as a precautionary measure to ensure the continuity of administrative rules
23 and ensure that existing rules remain in effect in Fiscal Year 2022, the Division of Financial
24 Management acting on behalf of the Governor of Idaho has directed all agencies to adopt all non-
25 fee rules as temporary rules; and

26 WHEREAS, pursuant to Idaho Cod, § 67-5226, the Governor has found temporary
27 adoption of the IWRB's rules is appropriate to protect the public health, safety, and welfare of
28 the citizens of Idaho and confer a benefit on its citizens; and

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

32 WHEREAS, the expiration of the IWRB's rules without due consideration and processes
33 would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them
34 of the benefit intended by these rules.

35 NOW, THEREFORE BE IT RESOLVED that the IWRB adopts and authorizes the notice and
36 publication of the following non-fee rules as temporary rules to be effective July 1, 2021. This
37 approval and adoption is conditional and will only become effective if the 2021 Idaho Legislature,
38 consistent with Idaho Code, §§ 67-5291 and 67-5292, has not otherwise taken action to
39 reauthorize and effectuate the existing non-fee rules by July 1, 2021.

- 40 • 37.02.01, *Comprehensive State Water Plan Rules*
- 41 • 37.02.04, *Shoshone Bannock Tribal Water Supply Bank*

DATED this 21st day of May, 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

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