

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE
LOWER LEMHI RIVER PERMANENT
SUBORDINATION AGREEMENTS FOR WATER
RIGHT NOS. 74-318B, 74-318C, 74-820, and
74-826

RESOLUTION TO MAKE A FUNDING
COMMITMENT

1 WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Lemhi River Basin is
2 limited by low flow in the Lower Lemhi River; and
3

4 WHEREAS, it is in the interest of the State of Idaho to permanently reconnect the Lower
5 Lemhi River to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout; and
6

7 WHEREAS, the State of Idaho committed to maintaining flows of 25 cfs to 35 cfs at the L-
8 6 Diversion on the Lower Lemhi River in the Lemhi Framework which was developed as part of
9 the 2004 Snake River Water Rights Agreement; and
10

11 WHEREAS, the Lemhi Framework carries forward target goals which were included in
12 earlier conservation agreements developed and approved by local water users, and state and
13 federal agencies; and
14

15 WHEREAS, though enacting Idaho Code 42-1506 and 42-1765A, the Idaho Legislature
16 directed the Board to establish a minimum streamflow water right of 35 cfs in the Lower Lemhi
17 River to be met through water right rentals or other appropriate methods under state law; and
18

19 WHEREAS, the Idaho Water Resource Board has the authority to enter into water right
20 agreements and undertake water projects; and
21

22 WHEREAS, the Idaho Water Resource Board (Board) is authorized to expend Bonneville
23 Power Administration funds for flow restoration through the Columbia Basin Water Transaction
24 Program and the Bonneville Fish Accord Water Transaction Fund; and
25

26 WHEREAS, the Board promotes water transactions that maintain the local agricultural
27 economy by retaining irrigated agriculture; and
28

29 WHEREAS, Board staff has developed short-term and permanent subordination
30 agreements, also known as the Lemhi Subordination Agreements (agreements) with local water
31 users to improve stream flow for anadromous and resident fish; and
32

33 WHEREAS, the water right owners desire to enter into subordination agreements that
34 permanently limit their diversions during times of low flow; and

35
36 WHEREAS, under these agreements, the water users will continue to irrigate to the full
37 extent of their water rights when flows exceed the flow targets; and
38

39 WHEREAS, the Lemhi Subordination Agreements are in the public interest and in
40 compliance with the State Water Plan; and
41

42 WHEREAS, \$732,000 is available through the Idaho Memorandum of Agreement (MOA)
43 Fish Accord Water Transaction Program or the Columbia Basin Water Transaction Program to
44 fund the cost of said agreements; and
45

46 WHEREAS, \$87,840 is available through the Idaho (MOA)/Fish Accord Water Transaction
47 Program or the Columbia Basin Water Transaction Program to fund the administration of said
48 agreements by Water District 74; and
49

50 NOW THEREFORE BE IT RESOLVED that the Board authorizes the Chairman to enter into
51 permanent subordination agreements with the current or subsequent owners of water rights 74-
52 318B, 74-318C, 74-820, and 74-826 to subordinate their diversions from the Lemhi River to the
53 Board's Lemhi River minimum streamflow water right, and expenditures not to exceed \$732,000.
54

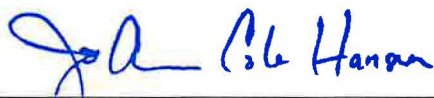
55 NOW THEREFORE BE IT RESOLVED that the Board authorizes the Chairman to enter into
56 contracts with Water District 74 using administration funds in the amount of \$87,840.
57

58 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition
59 that the Board receives the requested funding from the Bonneville Power Administration through
60 the Idaho (MOA)/Fish Accord Water Transaction Program or the Columbia Basin Water
61 Transaction Program in the amount of \$819,840.

DATED this 23rd day of July, 2021.



JEFF RAYBOULD, Chairman
Idaho Water Resource Board



ATTEST
JO ANN COLE-HANSEN, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

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

RESOLUTION TO MAKE A FUNDING
COMMITMENT

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

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

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

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

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

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

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

27
28 WHEREAS, Board staff has developed short-term subordination agreements, also known
29 as the Lemhi Subordination Agreements (agreements) with local water users to improve stream
30 flow for anadromous and resident fish; and

31
32 WHEREAS, for all agreements, the water users have agreed to limit their diversions during
33 times of low flow for a maximum of 100 days; and

35 WHEREAS, the 2021 irrigation season is experiencing extremely low flows and drought
36 conditions in the Lemhi River Basin; therefore, subordination of water rights beyond the 100 days
37 maximum may be necessary; and
38

39 WHEREAS, additional contracts and payments to water users, beyond the currently
40 contracted 100 days maximum, are necessary in order to secure additional water and prevent
41 impassable low flows or dewatering conditions in the Lower Lemhi River; and
42

43 WHEREAS, diversion restrictions to maintain the 25 cfs target minimum flow at the L-6
44 Diversion for an additional 30 days at the current annual rate of \$90 per cfs per day would result
45 in expenditures up to \$67,500; and
46

47 WHEREAS, funding is available through the Idaho MOA/Fish Accord Water Transaction
48 Program to fund the cost of said agreements; and
49

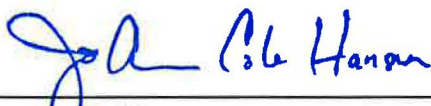
50 NOW THEREFORE BE IT RESOLVED that the Board authorizes the Chairman to enter into
51 additional agreements with lower Lemhi River irrigators to not divert out of the Lemhi River, and
52 total expenditures not to exceed \$67,500; and
53

54 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition
55 that the Board receives the requested funding from the Bonneville Power Administration through
56 the Idaho MOA/Fish Accord Water Transaction Program in an amount up to \$67,500.

DATED this 23rd day of July, 2021.



JEFF RAYBOULD, Chairman
Idaho Water Resource Board



ATTEST

JO ANN COLE-HANSEN, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

**IN THE MATTER OF BENNINGTON IRRIGATING
COMPANY FUNDING REQUEST**

**RESOLUTION TO AUTHORIZE FUNDING FOR
THE REPLACEMENT OF DETERIORATED
INFRASTRUCTURE**

1 WHEREAS, Bennington Irrigating Company (Company) submitted a loan application to the Idaho
2 Water Resource Board (IWRB) in the amount of \$200,000.00 to replace deteriorated piping and its main
3 concrete flume (Project)
4

5 WHEREAS, the Company, located in Bear Lake County, provides water to approximately 1,550
6 acres of irrigated land within its service area; and
7

8 WHEREAS, the aging infrastructure of the Company's delivery system is in need of imminent
9 repairs to remain sustainable for future use; and
10

11 WHEREAS, the necessary system improvements will provide a reliable, long term water supply
12 for users within the Company's service area, helping to protect valuable agricultural lands within the
13 State of Idaho; and
14

15 WHEREAS, the total estimated cost for the Project is approximately \$257,000. The Company has
16 secured grant funding in the amount \$34,050 from the Bear Lake Soil & Water Conservation District. The
17 grant requires a two-thirds match, and will be funded by the Company in the amount of \$22,700; and
18

19 WHEREAS, the Company is a qualified applicant and the proposed Project qualifies for a loan
20 from the Board's Revolving Development Account; and
21

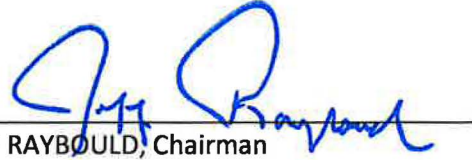
22 WHEREAS, the proposed Project is in the public interest and is in compliance with the State
23 Water Plan.
24

25 NOW THEREFORE BE IT RESOLVED that the IWRB approves a loan not to exceed \$200,000 from
26 the Revolving Development Account at 3.5% interest with a 15-year repayment term, and provides
27 authority to the Chairman of the Idaho Water Resource Board, or his designee, to enter into contracts
28 with the Company on behalf of the Board.
29

30 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution and the approval of the loan are
31 subject to the following conditions:
32

- 33 1) The Company shall comply with all applicable rules and regulations that apply to the
34 proposed Project.
35 2) The Company will provide acceptable security for the loan to the IWRB including, but not
36 limited to, the Company's water rights associated with the System and, all facilities and
37 equipment associated with the Project.

DATED this 23rd day of July, 2021.



JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST 
JO ANN COLE-HANSEN, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF FLOOD
MANAGEMENT GRANTS

RESOLUTION TO AWARD 2021 FUNDS

1 WHEREAS, House Bill 1190 passed and approved by the Idaho Legislature transferred
2 \$800,000 from the General Fund to the Water Management Fund for a Flood Management Grant
3 Program administered by the Idaho Water Resources Board (IWRB) to be used for the purpose
4 of flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or
5 flood prevention projects; and
6

7 WHEREAS, House Bill 1190 allows for the award of grants larger than \$50,000 for the
8 Flood Management Program, at the discretion of the IWRB; and
9

10 WHEREAS, House Bill 1190 directs the IWRB to require the availability of fifty percent
11 (50%) matching funds for all projects to be considered under the grant program; and
12

13 WHEREAS, House Bill 1190 directs the IWRB to prioritize projects on a competitive
14 statewide basis; and
15

16 WHEREAS, on April 26, 2021 the IWRB adopted criteria for the award of Flood
17 Management Grants, and
18

19 WHEREAS, several of the grant awards from previous years were completed under budget
20 totaling \$243,000. These carryover funds when combined with the 2021 legislative appropriation
21 total \$1,043,000 that may be awarded for 2021 Flood Management Projects; and
22

23 WHEREAS, twelve (12) Flood Management Grant applications were received by the
24 deadline of Friday June 18, 2021 and the applications were evaluated, scored and ranked
25 according to the criteria adopted by IWRB; and
26

27 WHEREAS, the Finance Committee met and discussed the projects, and recommended
28 the IWRB provide funding for top ten (10) ranked projects; and
29

30 NOW, THEREFORE BE IT RESOLVED that the IWRB approves the award of Flood
31 Management Grants as specified in the Application Ranking Sheet attached to this resolution.

DATED this 23rd day of July, 2021.



Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST 

Jo Ann Cole-Hansen, Secretary

ATTACHMENT 1 to Resolution No. 25-2021

2021 Flood Management Grant Application Ranking and Awards					
Entity	Funds Requested	Total Project Costs	Final Evaluation Score	Final Rankings	Awarded Funding
North Side Canal Company - Red Bridge Flood Management Storage Pond	\$200,000.00	\$864,000.00	94	1	\$200,000
Flood District 9 - Bellevue Side Channel Project	\$111,508.00	\$284,033.00	90	2	\$111,508
Nez Perce County and NPSWCD - Streambank Project	\$100,000.00	\$227,176.00	83	3	\$100,000
Flood District 17 - Rathdrum Creek Debris Project	\$6,375.00	\$12,750.00	80	4	\$6,375
Adams Soil & Water Conservation District - Grays Creek Project	\$17,606.40	\$35,728.00	79	5	\$17,606
Clearwater Soil & Water Conservation District - Heywood Bridge Project	\$37,475.00	\$75,117.00	79	6	\$37,475
Clearwater Soil & Water Conservation District - Swanson's Loop Project	\$200,000.00	\$409,487.00	76	7	\$200,000
Reid Canal Company - Bannock Feeder Project	\$200,000.00	\$429,266.29	76	8	\$200,000
Lewis Soil & Water Conservation District - Tiede Road Flood Project	\$71,909.80	\$144,118.60	73	9	\$71,910
Idaho Soil & Water Conservation District - Clear Creek Project	\$36,061.60	\$73,904.60	71	10	\$36,062
City of Ponderay - Neighborhood Drainage Project	\$70,000.00	\$148,000.00	68	11	\$0
Flood District 1 - Culvert and Levee Project	\$25,000.00	\$50,000.00	46	12	\$0
Total funds requested	\$1,075,935.80	\$2,753,580.49			

Total: \$980,936

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE RIRIE RESERVOIR

RESOLUTION TO APPROVE FUNDS AND
PROVIDE SIGNATORY AUTHORITY

1 WHEREAS, Ririe Reservoir is located in Willow Creek, a tributary to the Snake River, near Idaho
2 Falls, and was constructed by the Federal Government for flood control, irrigation, and recreational
3 purposes; and
4

5 WHEREAS, Ririe Reservoir was completed in 1977 and flood control authority is administered by
6 the Army Corps of Engineers while the other project functions are administered by the Bureau of
7 Reclamation; and
8

9 WHEREAS, following the 1990 Fort Hall Indian Water Rights Agreement, the storage space in Ririe
10 Reservoir was allocated to Mitigation, Inc., which is comprised of those canal companies and irrigation
11 districts in the Upper Snake River Basin that had the relative water right priorities impacted by the Fort
12 Hall Settlement Agreement; and
13

14 WHEREAS, in part, because of the flood control operating requirements at Ririe the reservoir is
15 difficult to fill and water supply from the reservoir is unreliable; and
16

17 WHEREAS, utilizing authority provided to the Corps of Engineers in the Water Infrastructure
18 Improvements for the Nation Act (WIIN Act) of 2016, and with the consent of the Bureau of Reclamation,
19 Mitigation Inc., through the Idaho Irrigation District, entered into an agreement with the Corps to increase
20 the amount of available water supply in Ririe Reservoir; and
21

22 WHEREAS, the work to be done under the agreement with the Army Corps of Engineers consists
23 of three phases estimated at \$1,696,993 million. In addition, assuming the Corps' work results in a change
24 in storage operations, Reclamation will also have some tasks requiring non-federal funds estimated at
25 \$250,000; and
26

27 WHEREAS, Mitigation Inc. has already paid for the first phase of the work totaling \$480,000; and
28

29 WHEREAS, House Joint Memorial 8 passed and approved by the 2008 Legislature directed the
30 Idaho Water Resource Board (IWRB) to evaluate and implement projects that result in increased water
31 storage in Idaho for various purposes; and
32

33 WHEREAS, Senate Concurrent Resolution 104 passed and approved by the 2021 Legislature
34 encouraged the IWRB to participate in the effort to modify storage operations and increase water storage
35 availability at Ririe Reservoir; and
36

37 WHEREAS, Senate Bill 1190, passed and approved by the 2021 Legislature authorizes the IWRB to
38 utilize up to \$4,201,000 of previously-appropriated funds located in the Revolving Development Account
39 for the Ririe Reservoir effort and studies, or other projects that would expand water storage in Idaho; and
40

41 WHEREAS, the Ririe Reservoir effort has the potential to increase water storage in the Upper

Snake River Basin at relatively little cost and without significantly adversely affecting the flood control purpose.

NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes expenditure of up to \$1.47 million for the Ririe Reservoir Flood Control Rule Curve Modification.


NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee, to execute the necessary agreements with Mitigation Inc. for the Ririe Reservoir Flood Control Rule Curve Modification.

DATED this 23rd day of July, 2021.



JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST



JO ANN COLE-HANSEN, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF EXPANSION OF THE CLOUD
SEEDING PROGRAM

RESOLUTION TO APPROVE FUNDS FOR THE
DEVELOPMENT OF A STATEWIDE
ASSESSMENT AND AUTHORIZING A CLOUD
SEEDING PROGRAM IN THE BEAR RIVER
BASIN

1 WHEREAS, House Bill 547, passed and approved by the 2014 legislature, allocates \$5,000,000
2 annually from the Cigarette Tax to the Idaho Water Resource Board (IWRB) for statewide aquifer
3 stabilization, with the funds to be deposited into the Secondary Aquifer Planning, Management, and
4 Implementation Fund; and

5
6 WHEREAS, Senate Bill 1402, passed and approved by the 2016 Legislature, allocated \$5,000,000
7 in ongoing General Fund dollars, and \$2,500,00 in Economic Recovery Reserve Funds to the IWRB's
8 Secondary Aquifer Fund for statewide water sustainability and aquifer stabilization; and

9
10 WHEREAS, cloud seeding was identified as a strategy in the Eastern Snake Plain Aquifer
11 Comprehensive Management Plan (ESPA CAMP) for which stabilization and recovery of the ESPA is a
12 principal goal, and was identified as a strategy in the draft Treasure Valley Comprehensive Management
13 Plan; and

14
15 WHEREAS, a well-managed cloud seeding program can increase winter snowpack as much as 10%
16 or more, and thereby increase surface water runoff, resulting in more surface water for all uses, including
17 aquifer management projects, and less supplemental ground water pumping; and

18
19 WHEREAS, Idaho Power Company (IPC) brought operational experience it gained from its Payette
20 River Basin program and established a remote-operated "Pilot Program" in the Upper Snake River Basin
21 as a result of the ESPA CAMP; and

22
23 WHEREAS, discussions between the IWRB, IPC, and other water users resulted in the creation of
24 a collaborative Cloud Seeding Program (Program), expanding cloud seeding operations in the Upper Snake
25 River Basin and established programs in the Boise River Basin, and Wood River Basin with support from
26 the IWRB and local water users; and

27
28 WHEREAS, House Bill 266, passed and approved by the 2021 legislature, created I.C. § 42-2301,
29 and recognized cloud seeding has provided a unique and innovative opportunity to support sustainable
30 water supplies for the State, and recommended that the IWRB complete an assessment of basins, and
31 work with affected stakeholders to implement cloud seeding projects in other basins that would benefit;
32 and

33
34 WHEREAS, an assessment of basin-specific climatological characteristics can be used to determine
35 if conditions amenable to cloud seeding exist in basins of interest; and

36
37 WHEREAS, the National Center for Atmospheric Research (NCAR) is an independent research
38 based organization that is well-qualified and experienced in providing climatological assessments and

39 scientifically based program design for the development of cloud seeding programs; and

40
41 WHEREAS, a statewide assessment will provide initial mapping of regions across the state that
42 possess conditions amenable to cloud seeding, and will serve as the foundation for further analysis and
43 program design for specific basins of interest; and
44

45 WHEREAS, existing water supplies are not sufficient to support existing water rights in the Bear
46 River Basin because drought conditions have led to a lack of natural flow water supplies; and
47

48 WHEREAS, concern for existing and future water supplies have prompted stakeholder interest in
49 the development of a cloud seeding project in the Bear River Basin; and
50

51 WHEREAS, based on the insufficiency of existing water supplies, the IWRB seeks to develop a pilot
52 cloud seeding program in the Bear River Basin, beginning with the cloud seeding season that runs
53 November 2021 through April 2022 (season 2021–2022); and
54

55 WHEREAS, implementation of a program in the Bear River Basin will require a detailed
56 climatological analysis, factoring weather conditions at varying elevations, to develop a comprehensive
57 cloud seeding program design and provide an estimation of the potential increase in snowpack that results
58 from the proposed design; and
59

60 WHEREAS, to initiate a pilot program in the Bear River Basin for the 2021–2022 season, the use
61 of aircraft seeding has been identified as a practical near-term strategy; and
62

63 WHEREAS, the procurement of a program aircraft and accompanying operator for the Bear River
64 Basin will be required for the 2021–2022 season. Based on the operational costs for an aircraft under the
65 existing Program, the total cost for one season of aircraft operations is estimated to be up to \$775,000;
66 and
67

68 WHEREAS, the Bear River Basin is adjacent to the Upper Snake River Basin where existing aircraft
69 operations occur under the current collaborative Program, creating a potential opportunity to share
70 infrastructure and costs between basins. When there are not seedable storms in the Bear River Basin, an
71 additional aircraft could be used to support airborne seeding in the Upper Snake Basin, where an existing
72 need has been identified.
73

74 WHEREAS, NCAR estimates the costs for completing a statewide assessment to be \$30,000 and
75 development of a program design for the Bear River Basin, to be approximately \$310,000; and
76

77 NOW, THEREFORE BE IT RESOLVED that, the IWRB authorizes expenditures not to exceed \$30,000
78 from the Secondary Aquifer Planning, Management, and Implementation Fund for costs related to the
79 development of a statewide climatology assessment.
80

81 BE IT FURTHER RESOLVED that, the IWRB authorizes expenditures not to exceed \$310,000 from
82 the Secondary Aquifer Planning, Management, and Implementation Fund for costs related to the
83 development of a cloud seeding program design for the Bear River Basin.
84

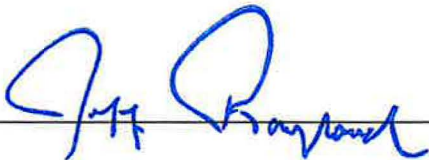
85 BE IT FURTHER RESOLVED that, the IWRB authorizes the operation of a pilot cloud seeding
86 program in the Bear River Basin. This authorization is limited to the period of November 1, 2021 through
87 April 15, 2022.

88
89 BE IT FURTHER RESOLVED that, the IWRB authorizes expenditures not to exceed \$775,000 from
90 the Secondary Aquifer Planning, Management, and Implementation Fund for costs related to the
91 operations and maintenance of a pilot aircraft program in the Bear River Basin for the 2021-2022 season.

92
93 BE IT FURTHER RESOLVED that, any aircraft obtained for use in the Bear River Basin pilot program,
94 as authorized herein, may also be used to provide additional seeding in the adjacent Upper Snake River
95 Basin when seedable storms are not occurring simultaneously in both basins.

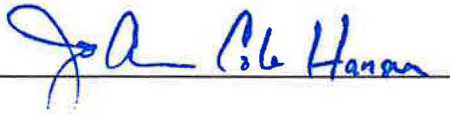
96
97 BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee, Brian Patton,
98 Executive Officer to the IWRB, to execute the necessary agreements or contracts related to the IWRB
99 authorizations provided herein.

DATED this 23rd day of July, 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 IDAHO WATER
RESOURCE BOARD ESPA MANAGED RECHARGE
PROGRAM

RESOLUTION REGARDING THE CAPTURE OF
WATER IN THE SNAKE RIVER RESERVOIR
SYSTEM AND THE IWRB ESPA MANAGED
RECHARGE PROGRAM

1 WHEREAS, the Eastern Snake Plain Aquifer (ESPA) has been losing approximately 216,000 acre-
2 feet annually from aquifer storage since the 1950's resulting in declining ground water levels in the aquifer
3 and reduced spring flows to the Snake River; and
4

5 WHEREAS, the Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan (ESPA
6 CAMP), identified managed recharge as a key strategy for achieving the goal of aquifer stabilization and
7 recovery; and
8

9 WHEREAS, House Bill 547 passed and approved by the 2014 Legislature allocates \$5 million from
10 the Cigarette Tax to the Idaho Water Resource Board's (IWRB) Secondary Aquifer Planning, Management,
11 and Implementation Fund (Secondary Aquifer Fund) for statewide aquifer stabilization; and
12

13 WHEREAS, the legislature provides \$5 million annually to the IWRB's Secondary Aquifer Fund
14 through the Department of Water Resources budget for aquifer management; and
15

16 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136
17 directing the IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed
18 recharge to the ESPA by December 31, 2024; and
19

20 WHEREAS, the State Water Plan states, "Because of year to year variability of the natural flow
21 passing Milner Dam, the optimum development of the natural flow will be achieved through storage in
22 surface water reservoirs above Milner Dam and in the ESPA;" and
23

24 WHEREAS, a system of large surface water reservoirs exist in the upper Snake River above Milner
25 Dam, which capture and retain storage water ("Upper Snake River Reservoirs"); and
26

27 WHEREAS, the IWRB recognizes the importance of physically filling the Upper Snake River
28 Reservoirs whenever possible; and
29

30 WHEREAS, the IWRB recognizes that the physical fill of the upper Snake River Reservoirs should
31 be prioritized over recharging water in the ESPA; and
32

33 WHEREAS, the ESPA CAMP provides aquifer recharge will be conducted using the IWRB's natural
34 flow water rights and "storage water when available"; and
35

36 WHEREAS, the IWRB does not intend to acquire storage water for recharge unless such storage
37 water is provided for that purpose by a third party.

38 NOW, THEREFORE BE IT RESOLVED that the IWRB will not use existing storage water from the
39 Upper Snake River Reservoirs for recharge unless the storage water is donated to the IWRB by another

entity or the IWRB is contracted to conduct recharge of existing storage water on behalf of another entity;
and

NOW, THEREFORE BE IT RESOLVED to assist with the maximum storage of water in the Upper Snake River Reservoirs, the IWRB will not conduct recharge using natural flow water upstream of American Falls Dam unless its natural flow water rights for recharge are in priority and the United States Bureau of Reclamation, in consultation with Water District 01 and the Committee of Nine declares, pursuant to Pub. L. No. 115-244, § 203, 132 Stat. 2897, 2906 (2018), there is excess water in the system above American Falls Reservoir.

DATED this 23rd day of July, 2021.



JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST 

JO ANN COLE-HANSEN, Secretary