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

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

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

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

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

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

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

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

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

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

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

Resolution No. 22-2021
WHEREAS, under these agreements, the water users will continue to irrigate to the full extent of their water rights when flows exceed the flow targets; and

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

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

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

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

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

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that the Board receives the requested funding from the Bonneville Power Administration through the Idaho (MOA)/Fish Accord Water Transaction Program or the Columbia Basin Water 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
WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Lemhi River Basin is limited by low flow in the Lower Lemhi River; and

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

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

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

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

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

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

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

WHEREAS, for all agreements, the water users have agreed to limit their diversions during times of low flow for a maximum of 100 days; and
WHEREAS, the 2021 irrigation season is experiencing extremely low flows and drought conditions in the Lemhi River Basin; therefore, subordination of water rights beyond the 100 days maximum may be necessary; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1) The Company shall comply with all applicable rules and regulations that apply to the proposed Project.

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

Resolution No. 24-2021
DATED this 23rd day of July, 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST
JO ANN COLE-HANSEN, Secretary
WHEREAS, House Bill 1190 passed and approved by the Idaho Legislature transferred $800,000 from the General Fund to the Water Management Fund for a Flood Management Grant Program administered by the Idaho Water Resources Board (IWRB) to be used for the purpose of flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects; and

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

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

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

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

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

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

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

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

DATED this 23rd day of July, 2021.
## 2021 Flood Management Grant Application Ranking and Awards

<table>
<thead>
<tr>
<th>Entity</th>
<th>Entity Funds Requested</th>
<th>Total Project Costs</th>
<th>Final Evaluation Score</th>
<th>Final Rankings</th>
<th>Awarded Funding</th>
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<tr>
<td>North Side Canal Company - Red Bridge Flood Management Storage Pond</td>
<td>$200,000.00</td>
<td>$864,000.00</td>
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<td>$200,000</td>
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<td>Flood District 9 - Bellevue Side Channel Project</td>
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<td>Nez Perce County and NPSWCD - Streambank Project</td>
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<td>Clearwater Soil &amp; Water Conservation District - Heywood Bridge Project</td>
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<td>Lewis Soil &amp; Water Conservation District - Tiede Road Flood Project</td>
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<td>Flood District 1 - Culvert and Levee Project</td>
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<td><strong>Total funds requested</strong></td>
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<td><strong>$2,753,580.49</strong></td>
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<td><strong>Total: $980,936</strong></td>
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BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE RIRIE RESERVOIR

RESOLUTION TO APPROVE FUNDS AND PROVIDE SIGNATORY AUTHORITY

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Ririe Reservoir effort has the potential to increase water storage in the Upper Snake River Basin; and

RESOLVED, That the Board hereby approves the funds and signatory authority for the three phases of the Mitigation, Inc. project at Ririe Reservoir.
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
WHEREAS, House Bill 547, passed and approved by the 2014 legislature, allocates $5,000,000 annually from the Cigarette Tax to the Idaho Water Resource Board (IWRB) for statewide aquifer stabilization, with the funds to be deposited into the Secondary Aquifer Planning, Management, and Implementation Fund; and

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

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

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

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

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

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

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

WHEREAS, the National Center for Atmospheric Research (NCAR) is an independent research based organization that is well-qualified and experienced in providing climatological assessments and...
WHEREAS, a statewide assessment will provide initial mapping of regions across the state that possess conditions amenable to cloud seeding, and will serve as the foundation for further analysis and program design for specific basins of interest; and

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that, the IWRB authorizes expenditures not to exceed $310,000 from the Secondary Aquifer Planning, Management, and Implementation Fund for costs related to the development of a cloud seeding program design for the Bear River Basin.
BE IT FURTHER RESOLVED that, the IWRB authorizes the operation of a pilot cloud seeding program in the Bear River Basin. This authorization is limited to the period of November 1, 2021 through April 15, 2022.

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

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

BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee, Brian Patton, Executive Officer to the IWRB, to execute the necessary agreements or contracts related to the IWRB 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

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

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

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

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

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

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

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

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

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

WHEREAS, the ESPA CAMP provides aquifer recharge will be conducted using the IWRB’s natural flow water rights and “storage water when available”; and

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

NOW, THEREFORE BE IT RESOLVED that the IWRB will not use existing storage water from the 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