WHEREAS, the Idaho Water Resource Board (IWRB) partnered with the U.S. Bureau of Reclamation (Reclamation) to complete a feasibility study of new surface water storage options on the Boise River. Reclamation issued the Final Feasibility Study and Draft Environmental Impact Statement (DEIS) in 2020 which recommended a 6-foot raise of the Anderson Ranch Dam and approximately 29,000 acre-feet of new storage space; and

WHEREAS, the Feasibility Study was authorized under the Water Infrastructure Improvements for the Nation Act (WIIN Act) which provides study and potential construction authority and Federal funding proportionate to Federal benefits for projects deemed feasible as of January 2021. The WIIN Act further requires Reclamation’s project partner(s) to pay the non-federal share of project capital costs upfront and requires the project to be under construction by December 16, 2021; and

WHEREAS, in December 2020, the Secretary of Interior determined the Feasibility Study’s recommended plan to be feasible in accordance with the WIIN Act, and Fiscal Year 2021 Appropriations legislation secured $12.88 Million in WIIN Act funding as the federal cost share for completing the Feasibility Study, environmental compliance, and construction; and

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

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

WHEREAS, Reclamation confirmed that execution of an agreement with a partner capable of funding the non-federal share of the project costs through construction and initiation of final design activities prior to December 16, 2021 will satisfy WIIN Act requirements. Reclamation agreed to consider early contract termination clauses to allow the parties to further consider the viability of the project based upon additional information developed through the final design process; and

WHEREAS, through IWRB Resolution No. 19-2020, IWRB expressed its belief that contracting directly with Reclamation for all the new storage space resulting from a raise of Anderson Ranch Dam not
identified by Reclamation as receiving a federal benefit will be the most efficient and best method to ensure stakeholder and state support for reasonable financing for the project. The IWRB also stated its preference to contract with Reclamation and then negotiate directly with potential spaceholders for the new storage space and how it would be allocated and priced; and

WHEREAS, through IWRB Resolution No. 07-2021, IWRB allocated $17.6M of the funds in the Water Management Account provided by House Bill 285 and Senate Bill 1121 to meet Federal project funding and authorization deadlines set forth in the WIIN Act and authorized spending those funds allocated for the Anderson Ranch Dam Raise for activities required to advance the project to construction, including final design, contracting, and financial planning. House Bill 285 allocated $20M to be used for the Anderson Ranch Reservoir Enlargement or the Mountain Home Air Force Base Sustainable Water Project. Senate Bill 1121 appropriated an additional $50M to the Water Management Account; and

WHEREAS, through IWRB Resolution No. 14-2021, IWRB approved Reclamation's modified proposed project approach and schedule with the understanding that this approach satisfies terms of the WIIN Act. IWRB also authorized the IWRB Chairman or designee to pursue negotiations with Reclamation regarding the design and construction of the Anderson Ranch Dam Raise Project; and

WHEREAS, through the summer and fall of 2021, the IWRB and Reclamation negotiation teams completed a series of four public negotiation meetings. A mutually acceptable contract (Contract) was developed for execution by the IWRB and Reclamation (Attachment A - Contract for the Raise of Anderson Ranch Dam between the United States of America and the Idaho Water Resource Board); and

WHEREAS, the following are defined in the Feasibility Study and considered in the Contract:

- Anderson Ranch Dam Raise Project (Project) includes all components of the dam raise and associated required projects around the reservoir rim.
- The Feasibility Study estimate for total design and construction cost of the project is $83.3M, not including applicable interest during construction. The Non-Federal share of the total project construction costs is 88.95% and will be the responsibility of the IWRB. The Federal share of the total construction costs is 11.05% and will be paid by Reclamation appropriations.
- The estimated cost of “Non-Contract Post-Authorization” activities, which generally include final design, completion of environmental compliance studies, land acquisitions, permitting and compliance, and other actions to be completed prior to award of construction contracts, is $9.4M. The Non-Federal share is approximately $8.4M.

WHEREAS, additional analysis to be performed under the Contract early in the final design process will clarify potential impacts to existing Anderson Ranch Reservoir spaceholders, and mitigation options and associated costs for loss of existing spaceholder storage water during construction.

NOW THEREFORE BE IT RESOLVED, that the IWRB authorizes its chairman to execute the negotiated Contract for Non-Contract Post-Authorization activities, final design, and construction of the Anderson Ranch Dam Raise Project provided in Attachment A.

NOW THEREFORE BE IT FURTHER RESOLVED, that the IWRB authorizes expenditure of up to the $8.4M from the Water Management Account to cover Non-Contract Post-Authorization Costs as defined in the Final Feasibility Report. Expenditure of additional project funding shall require IWRB approval.
NOW THEREFORE BE IT FURTHER RESOLVED, that upon completion of the analysis of impact to existing Anderson Ranch Reservoir spaceholder’s storage accounts during construction, the IWRB shall be notified of the mitigation plan and associated costs.

DATED this 19th day of November 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

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

IN THE MATTER OF FLOOD MANAGEMENT GRANTS

WHEREAS, Senate Bill 1190 passed and approved by the 2021 Legislature made the Idaho Water Resource Board (IWRB) administered Flood Management Grant Program an on-going program; and

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

WHEREAS, the IWRB developed this criteria in cooperation with program partners; and

WHEREAS, in October the IWRB Finance Committee reviewed the criteria and recommended the IWRB adopt the attached criteria for the Flood Management Grant Program; and

NOW, THEREFORE BE IT RESOLVED that the IWRB adopts the attached criteria for the award of Flood Management.

DATED this 19th day of November 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST

JO ANN COLE-HANSEN, Secretary

Resolution No. 36-2021
IWRB Flood Management Grant Program Criteria

The Idaho Water Resource Board (IWRB) Flood Management Grant Funding Program provides financial assistance on a competitive statewide basis to Flood Control Districts, Drainage Districts, Irrigation Districts, Canal Companies, Municipalities, Counties, and other public entities interested in pursuing flood damaged stream channel repair, stream channel improvement, flood risk reduction, and flood prevention projects.

Pursuing flood damage repair and improvement projects can help prevent or reduce flood damage in Idaho’s streams and rivers. To be considered for grant funding, entities must be able to provide evidence of flood damage, or evidence of conditions that create the risk of flooding in a stream channel and submit a funding request document outlining the proposed repairs and/or improvements to the stream channel.

Eligible Entities: Flood Control Districts, Drainage Districts, Irrigation Districts, Canal Companies, Municipalities, and Counties. Other public entities are eligible to apply.

Eligible Geographic Area: Statewide

Program Budget:
- No more than 50% of the total budget may be spent within a single IWRB district. This limit may be waived if there are no competing funding demands.

Funding Amount: up to $200,000 per project; one project per application
- Funding awards may be reallocated unless Flood Management work begins prior to November 1 following funding award.
- Funding will not be distributed unless the project is fully permitted. Sponsor is responsible for providing permit documentation to IWRB staff.

Matching Funds for Projects:
- Entities requesting funding for flood management grant projects must provide at least 50% matching cost-share funding with non-state dollars. Projects that include higher cost share amounts will receive a higher-ranking during project evaluations.
- In-kind services can be used for 30% of the total project costs. Legal/Administrative in-kind services are limited to 5% of total project costs.
- EXAMPLE: For a $100K project, sponsor would have to provide at least $50K in matching cost share funding. Of the $50K, the sponsor could provide up to $30K in in-kind services of which $5,000 could be in legal/administrative costs and $20K in cash to meet the matching cost-share requirement.

Evaluation Criteria: Projects that are determined to not be flood-related by staff will be declared ineligible and not scored. To maximize the effective and efficient use of available funds, the applications will be evaluated, scored (135-point scale), and ranked according to the following criteria:

Effectiveness of Project (65 points)
- First time applicant (5 points)
- Can this project be described as one of the following (if so, please explain how): flood damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention project (20 points)
- What is the urgency of the project and anticipated costs? (20 points)
- What are the benefits of the project and how will success be measured? (10 points)
• Is the proposed budget and schedule realistic and is the budget appropriate for the scope of work provided? Has the applicant provided detailed construction expenses documenting how money will be spent to complete the project? (10 points)

Readiness of Project (70 points)

• Lead sponsor of project is identified and there is a description of other affected stakeholders and jurisdictions. (10 points)
• Project sponsors will provide documentation that affected local stakeholders and jurisdictions have been consulted. If the project is located within a Flood Control District, the sponsor must provide documentation showing the Flood Control District supports the project, otherwise the project will be declared ineligible. (20 points)
• Specify cash matching funds that will be provided for the project, including any in-kind services. Indicate what funding sources are secured or pending. The applicant must provide at least 50% matching cost share funding with non-state dollars. In-kind services can be used for 30% of the total projects costs. Legal/Administrative in-kind services are limited to 5% of total project costs. (20 points)
• Projects that propose matching cost-share amounts above 50% will receive additional points in the ranking (1 point for each additional 1% increase up to 70% to receive up to 20 additional points).

Application Process:

Application Deadline: Due on the first Friday of June

Project Funding Recommendations: June/July Finance Committee

Funding Awarded: July IWRB meeting

Payment Process:

• A contract will be developed, and funds will be distributed per that contract upon sponsor submitting funding reimbursement requests to the IWRB.
• Sponsor funding requests shall include a cover letter which shall include a description of the project activities, dates for performing the project activities, and contractor or supplier invoices.
• Invoices should be sent to ldwrPayable@idwr.idaho.gov

IWRB Districts are as follows:

District No. 1: Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis and Idaho counties.

District No. 2: Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee counties.

District No. 3: Camas, Gooding, Jerome, Twin Falls, Cassia, Blaine, Lincoln, Minidoka, Lemhi, Custer and Butte counties.

District No. 4: Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Power, Bannock, Caribou, Oneida, Franklin and Bear Lake counties.

* No more than 50% of the total budget may be spent within a single IWRB district. This limit may be waived if there are no competing funding demands.
WHEREAS, Point Springs Grazing Association (Association) submitted a loan application to the Idaho Water Resource Board (IWRB) in the amount of $20,000.00 to drill a new stock water well (Project). The Association also requested approval to combine the new loan with the remaining balance of an existing loan in the amount of $17,335.53, for a combined loan amount of $37,335.53; and

WHEREAS, on May 21, 2021, the IWRB approved the Association’s request for a new loan totaling $37,335.53; and

WHEREAS, Project construction costs have increased since the time of the original loan approval from $20,000 to an estimated $30,000; and

WHEREAS, the Association has requested an increase to its existing loan in the amount of $10,000 to cover increased construction cost. The increase will change the total loan amount to $47,335.53; and

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

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

WHEREAS, on October 19, 2021, the IWRB’s Finance Committee recommended the full IWRB consider approval of the loan modification request.

NOW THEREFORE BE IT RESOLVED that the IWRB approves an increase in the existing loan of $37,335.53 to an amount not to exceed $47,335.53 from the Revolving Development Account at 3.5% interest with a 10-year repayment term.

NOW THEREFORE BE IT RESOLVED that the IWRB provides authority to the Chairman of the Idaho Water Resource Board, or his designee, to modify existing contracts with the Association on behalf of the IWRB. The 10-year term of the loan will remain effective as of May 2021.

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

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

2) Prior to the disbursement of any funds, the Association will provide acceptable security for the loan to the IWRB.
DATED this 19th day of November 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST
JO ANN COLE-HANSEN, Secretary
WHEREAS, the Idaho Water Resource Board (IWRB) is authorized to make loans from its Revolving Development Account, and from the Secondary Aquifer Planning, Management, and Implementation Fund for aquifer management projects which are in the public interest and which further implement the State Water Plan; and

WHEREAS, on April 3, 2020, the IWRB recommended the IWRB’s Loan Program (Program) interest rate be adjusted from the current loan interest rate of 4.5% to 3.5%; and

WHEREAS, on October 19, 2021, the IWRB Finance Committee (Committee) developed recommendations to modify the Program interest rates and loan contract conditions; and

WHEREAS, to account for economic fluctuations and ensure interest rates remain competitive, the Committee recommended the Program’s interest rate be set according to a commonly used market index; and

WHEREAS, the IWRB has identified a need to support projects that address aging water infrastructure needs as an investment in the Idaho economy and to ensure long-term reliable water service and management; and

WHEREAS, the Committee recommended providing an interest rate incentive for shorter-term loans and projects intended to address aging infrastructure needs throughout the State.

NOW THEREFORE BE IT RESOLVED that the following defined terms apply to the Program:

1) **Aging Water Infrastructure Project** shall be defined broadly as a project intended to address repair, maintenance, replacement, or improvements to existing infrastructure that supports water delivery, treatment, and application of water;

2) **An existing loan** shall be defined as any loan that has been approved by the IWRB through resolution;

3) **A new loan** shall be defined as any loan request for a project, or portion of a project, that has not previously received funding under an existing loan and that has not been approved by the IWRB through resolution.

NOW THEREFORE BE IT FURTHER RESOLVED that the Program interest rate shall reflect the Federal Prime Rate on the first day of each quarter.

NOW THEREFORE BE IT FURTHER RESOLVED that the interest rate for an approved loan will be set to the Program interest rate as of the date the completed application is received.
NOW THEREFORE BE IT FURTHER RESOLVED that loans for an Aging Water Infrastructure Project and with a term of 15 years or less, shall receive a reduced interest rate incentive of 80% of the Program interest rate.

NOW THEREFORE BE IT FURTHER RESOLVED that interest rate modifications shall not be authorized for existing loans.

NOW THEREFORE BE IT FURTHER RESOLVED that an existing loan may be combined with a new loan by approval of the IWRB, and the interest rate shall be changed to reflect the Program interest rate as of the date new completed application is received.

NOW THEREFORE BE IT FURTHER RESOLVED that loans to entities that do not hold statutory assessment authority shall be required to maintain a reserve fund equal to one annual loan payment until the loan has been paid in full.

DATED this 19th day of November 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 KING HILL IRRIGATION
DISTRICT LOAN REQUEST

RESOLUTION TO AUTHORIZE LOAN FUNDING
FOR COSTS RELATED TO REPLACEMENT OF
DELIVERY SYSTEM INFRASTRUCTURE

WHEREAS, King Hill Irrigation (District) submitted a loan application to the Idaho Water
Resource Board (IWRB) in the amount of $1,500,000.00 to cover costs associated with a project to install
new pipelines and replace the aging infrastructure of its delivery systems (Project); and

WHEREAS, the District delivers water for approximately 11,573 acres of irrigated lands in Elmore
and Twin Falls counties; and

WHEREAS, the District’s delivery system was originally installed in 1904, with some
improvements made in 1979; and

WHEREAS, to avoid interruption of water delivery and potential liability risk, the District needs
to make considerable improvements to its aging infrastructure; and

WHEREAS, the total estimated cost for the Project is approximately $2,950,000, and the District
has secured grant funding from NRCS in the amount of $1,978,654; and

WHEREAS, the District is a qualified applicant, and the proposed Project is eligible for a loan
from the IWRB’s Revolving Development Account; and

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

WHEREAS, on October 19, 2021, the IWRB’s Finance Committee recommended the full IWRB
consider approval of the loan application.

NOW THEREFORE BE IT RESOLVED that the IWRB approves a loan not to exceed $1,500,000
from the Revolving Development Account at 2.6% interest with a 15-year repayment term.

NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB provides authority to the Chairman
of the IWRB, or his designee, to enter into contracts to effectuate the loan on behalf of the IWRB.

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

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

2) Prior to the disbursement of any funds, the District shall comply with all statutory
requirements for incurring debt.

Resolution No. 39-2021
3) Prior to the disbursement of any funds, the District will provide acceptable security for the
loan to the IWRB, including but not limited to its water rights and assessment income which
the District collects from its members.

DATED this 19th day of November 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 BLAINE COUNTY CANAL
LOAN REQUEST

RESOLUTION TO AUTHORIZE LOAN FUNDING
FOR COSTS RELATED TO INSTALLATION OF A
DIVERSION STRUCTURE AND PIPING OF CANALS

WHEREAS, Blaine County Canal Company (Company) submitted a loan application to the Idaho Water Resource Board (IWRB) in the amount of $250,000.00 to cover costs associated with a project to move its point of diversion, install a new diversion structure, and pipe open canals (Project); and

WHEREAS, the Company delivers water for approximately 4,880 acres of irrigated lands in Butte County near Howe, Idaho; and

WHEREAS, the Company’s delivery system was originally constructed in the early 1900s, with few improvements made since the system it was developed; and

WHEREAS, considerable systemwide improvements are required to ensure long-term reliable water delivery and reduce water loss due to seepage; and

WHEREAS, the total estimated cost for the Project is approximately $1,500,000; and

WHEREAS the Company has secured grant funding in the amount of $900,000 from the Natural Resource Conservation Service, $100,000 from Trout Unlimited, and an energy savings incentive of $240,000 from Rocky Mountain Power Company; and

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

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

NOW THEREFORE BE IT RESOLVED that the IWRB approves a loan not to exceed $250,000 from the Revolving Development Account at 2.6% interest with a 15-year repayment term.

NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB provides authority to the Chairman of the Idaho Water Resource Board, or his designee, to enter into contracts, to effectuate the loan, on behalf of the IWRB.

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

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

Resolution No. 40-2021
2) Prior to the disbursement of any funds, the Company will provide acceptable security for the loan to the IWRB, including but not limited to its water rights, membership assessment income, and the Project infrastructure.

3) The Company shall maintain a reserve fund equal to one annual loan payment until the loan has been satisfied.

DATED this 19th day of November 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

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

IN THE MATTER OF LAKEVIEW ESTATES SUBDIVISION HOMEOWNER’S ASSOCIATION REQUEST

RESOLUTION TO AUTHORIZE FUNDING FOR WATER MASTER PLAN

WHEREAS, Lakeview Estates Subdivision Homeowners Association (Association) submitted a loan application to the Idaho Water Resource Board (IWRB) in the amount of $65,000.00 for costs associated with the development of a Water Master Plan (Project)

WHEREAS, the Association, located in Clearwater County, provides domestic water for approximately 35 parcels within its service area; and

WHEREAS, the Association’s water delivery system is supplied by three wells that are not able to meet peak demand due to an ongoing drop in the water table; and

WHEREAS, the Association intends to develop a Water Master Plan (Plan) to identify system improvements to provide for a long-term, reliable water supply for its service area; and

WHEREAS, the total estimated cost for the Project is approximately $65,000; and

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

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

NOW THEREFORE BE IT RESOLVED that the IWRB approves a loan not to exceed $65,000 from the Revolving Development Account at 3.25% interest with a 15-year repayment term

NOW THEREFORE BE IT RESOLVED that the IWRB and provides authority to the Chairman of the Idaho Water Resource Board, or his designee, to enter into contracts with the Association on behalf of the IWRB.

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

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

2) The Association shall provide acceptable security for the loan to the IWRB including, but not limited to, the Association’s water rights, membership assessments, all facilities and equipment associated with its water supply system.

3) The Association shall maintain a reserve fund equal to one annual loan payment, until the loan has been satisfied.
DATED this 19th day of November 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, 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, the Idaho Power Company (IPC) established a remote-operated “Pilot Program” and brought its operational experience gained from its Payette River Basin program to 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) to expand IPC’s cloud seeding operations in the Upper Snake River Basin and establish IPC run programs in the Boise River Basin, and Wood River Basin with support from the IWRB and water users; and

WHEREAS, the IWRB has paid one third of the total Program O&M costs since the 2017-2018 winter cloud seeding season; and

WHEREAS water users in the Boise, Wood, and Upper Snake River basins have historically contributed different percentages of the cost for annual cloud seeding O&M activities per basin; and

WHEREAS, for the 2020-2021 winter cloud seeding season, the IWRB made a one-time contribution of funding to help offset anticipated O&M funding shortages from the water users in each basin and to equalize the percentages being paid by the water users in each basin; and

WHEREAS, the IWRB, through its fiscal year 2022 budget resolution (FY22 Resolution), authorized $950,000 for an estimated one-third of the O&M costs for the 2021-2022 cloud seeding season, and an additional $500,000 in one-time funding for the offset of O&M funding shortages for the Collaborative Cloud Seeding Program; and

WHEREAS, O&M costs have been refined since the passing of the FY22 Resolution and IPC estimates the total cost for O&M for the 2021-2022 season will be $2,933,000, one-third of which is
WHEREAS, in July of 2019, the IWRB authorized $700,000 for fifty percent of the capital costs associated with the purchase of a new High Performance Computing system (HPC) to house the weather research forecasting model (WRF model) that supports IPC’s operations and analysis; and

WHEREAS the total annual administrative costs to operate and maintain the HPC, to be split equally between the IWRB and IPC, are approximately $80,000 and IPC; and

WHEREAS there is a need to support weather instrumentation and the collection of data for the design, operations, and analysis of the Board’s Cloud Seeding Program; and

WHEREAS Boise State University (BSU), with funding support from IPC, has developed a SWEdar device designed to act as a micro-SNOTEL site and can be used to support the needs of the Cloud Seeding Program; and

WHEREAS BSU has requested $35,000 from the IWRB to support the final year of development of the SWEdar devices.

NOW, THEREFORE BE IT RESOLVED that, the IWRB authorizes expenditures not to exceed $33,000 from the Secondary Aquifer Planning, Management, and Implementation Fund for the 2020-2021 cloud seeding season in addition to funding for O&M program shortages already approved in the 2022 Fiscal Year Budget Resolution.

BE IT FURTHER RESOLVED that, the IWRB authorizes expenditures not to exceed $30,000 from the Secondary Aquifer Planning, Management, and Implementation Fund for the 2020-2021 cloud seeding season in addition to the funding for one-third of O&M funding already approved in the 2022 Fiscal Year Budget Resolution.

BE IT FURTHER RESOLVED that, one-time authorized expenditures per basin shall not exceed the following and are contingent upon anticipated water user contributions as identified in the budget table below:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Water User Cost Share (Approx 15%)</th>
<th>IPC Share</th>
<th>IWRB Share</th>
<th>One-Time IWRB Contribution (Approx 18%)</th>
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<tr>
<td>Boise River</td>
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<td>$278,000</td>
<td>$151,000</td>
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<tr>
<td>Wood River</td>
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<td>$204,000</td>
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<td><strong>$979,000</strong></td>
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<td>Program Shortages</td>
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<td><strong>Total</strong></td>
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<td><strong>$1,018,000</strong></td>
<td><strong>$1,553,000</strong></td>
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</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that, the IWRB authorizes expenditures not to exceed $35,000 from the Secondary Aquifer Planning, Management, and Implementation Fund for the final year development of SWEdar devices.
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.

DATED this 19th day of November 2021.

Jeff Raybould, Chairman
Idaho Water Resource Board

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

IN THE MATTER OF APPLICATION )
FOR STREAM CHANNEL ALTERATION ) RESOLUTION
PERMIT NO. S37-20565 )

WHEREAS, on March 15, 2019, the Idaho Department of Water Resources ("IDWR") received Joint Application for Permits No. S37-20565 ("Application") filed by John Hastings, Jr. and Embassy Auditoriums, Inc. ("Hastings") for a stream channel alteration permit for bank stabilization, in response to a notice of violation; and

WHEREAS, on May 17, 2019, IDWR issued a Conditional Approval of Joint Application for Permits (S37-20565) ("Permit"); and

WHEREAS, Hastings requested, in writing within fifteen days after service of the Permit, a hearing before the Idaho Water Resource Board ("IWRB") on IDWR’s conditional approval; and

WHEREAS, IDWR and Hastings have been in discussions on the conditional terms of the Permit since Hastings’ request for hearing but have reached an impasse;

WHEREAS, it is necessary for the IWRB to appoint a hearing officer to preside over the hearing requested by Hastings and issue a recommended order or preliminary order in accordance with Idaho Code §§ 67-5243(1) and 67-5248;

NOW THEREFORE BE IT RESOLVED, the IWRB hereby appoints Shelley Keen, Water Allocation Bureau Chief, as the hearing officer in the above-captioned proceedings.

Adopted this 19th day of November 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 MAGIC RESERVOIR 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 ESPA CAMP includes an implementation goal of: “20 kaf estimates to maximize use of the Board’s recharge water permit, Wood River Legacy transactions, and/or flood control releases on the Wood River system;” and

WHEREAS, a Magic Reservoir is located on the Big Wood River; and

WHEREAS, Big Wood Canal Company controls and operates Magic Reservoir; and

WHEREAS, the IWRB conducts managed recharge under water rights owned by the IWRB that have points of diversion and places of use off the Big Wood River below Magic Reservoir; and

WHEREAS, the IWRB recognizes the importance of physically filling Magic Reservoir whenever possible; and

WHEREAS, the IWRB recognizes that the physical fill of Magic Reservoir should be prioritized over recharging water in the ESPA under the IWRB’s managed recharge program; and

NOW, THEREFORE BE IT RESOLVED to assist with the maximum storage of water in Magic Reservoir, the IWRB will work with Big Wood Canal Company to ensure that recharging water in the ESPA under the IWRB’s managed recharge program does not interfere with physical fill of Magic Reservoir.

Resolution No. 44-2021
DATED this 19th day of November 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST
JO ANN COLE-HANSEN, Secretary
WHEREAS, on April 17, 2018 the Idaho Water Resource Board (IWRB) filed water right application 37-23110 for 800 cfs of ground water recharge from the Little Wood River; and

WHEREAS, on April 17, 2018 the IWRB filed water right application 37-23111 for 800 cfs of ground water recharge from the Big Wood River; and

WHEREAS, the IWRB has determined to amend the quantity element of water right application 37-23110 to 500 cfs; and

WHEREAS, the IWRB has determined to amend the quantity element of water right application 37-23111 to 650 cfs; and

WHEREAS, the remaining elements of water right applications 37-23110 and 37-23111 shall remain the same; and

NOW, THEREFORE BE IT RESOLVED the IWRB directs its Executive Officer Brian Patton to amend water right applications 37-23110 and 37-23111 as set forth in this resolution.

DATED this 19th day of November 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST

JO ANN COLE-HANSEN, Secretary
WHEREAS, the Idaho Water Resource Board ("IWRB") is the executive branch entity with statutory oversight and authority over 12 chapters of Administrative Rules in IDAPA 37, including:

1. IDAPA 37.01.01 Rules of Procedure of the IDWR;
2. IDAPA 37.02.01 Comprehensive State Water Plan Rules;
3. IDAPA 27.02.03 Water Supply Bank Rules;
4. IDAPA 37.02.04 Shoshone Bannock Tribal Water Supply Bank Rules;
5. IDAPA 37.03.03 Rules and Minimum Standards for the Construction and Use of Injection Wells;
6. IDAPA 37.03.04 Drilling for Geothermal Resources Rules;
7. IDAPA 37.03.05 Mines Tailing Impoundment Structures Rules;
8. IDAPA 37.03.06 Safety of Dams Rules;
9. IDAPA 37.03.07 Stream Channel Alteration Rules;
10. IDAPA 37.03.09 Well Construction Standards and Rules; and
11. IDAPA 37.03.10 Well Driller Licensing Rules; and

WHEREAS, Governor Little's Executive Order 2020-01 Zero Based Regulation ("Executive Order") directs each agency to comprehensively review all rules under its authority and "if applicable" to promulgate new rules to take their place where necessary, and to conduct this zero-based review ("ZBR") over a five year period from 2021 to 2025; and

WHEREAS, the IWRB adopted a five-year ZBR rulemaking schedule that identifies the review of IDAPA 37.01.01 Rules of Procedure and 37.03.07 Stream Channel Alteration Rules in 2021; and

WHEREAS, the Executive Order directs any "agency wishing to renew a rule chapter beyond [its ZBR] review date" to promulgate a new rule chapter after conducting a "retrospective analysis" of the rule; and

WHEREAS, the IWRB has conducted retrospective analysis of its Rules of Procedure and Stream Channel Alteration rules and concluded that both rules are needed to carry out the IWRB’s statutory duties and responsibilities fairly, efficiently, and consistently; and

WHEREAS, the Executive Order directs agencies to "start the new rulemaking from a zero-base, and not seek to simply reauthorize their existing rule chapter without a critical and comprehensive review"; and

WHEREAS, the IWRB’s April 7 notice of intent to promulgate rules clearly stated its intent to "repeal and promulgate rules" “consistent with the [Executive Order]” and where the IWRB has conformed to all ZBR processes and requirements throughout the rulemaking process; and
WHEREAS, the Executive Order directs agencies to “publish a notice of intent to promulgate rules and hold, at a minimum, two public hearings that are designed to maximize public participation in the rulemaking process”; and

WHEREAS, the IWRB held two public hearings as part of its negotiated rulemaking of the Stream Channel Alteration rules on April 27, 2021, and June 2, 2021, and held two public hearings as part of its negotiated rulemaking of the Rules of Procedure on May 12, 2021, and June 23, 2021; and

WHEREAS, following negotiations and after taking due consideration of all comments received during negotiations, the IWRB adopted and authorized for publication IDAPA 37.01.01 Rules of Procedure and IDAPA 37.03.07 Stream Channel Alteration Rules as proposed rules in its Resolution No. 29-2021 on August 27, 2021; and

WHEREAS, DFM published IDAPA 37.03.07 Stream Channel Alteration Rules (Docket No. 37-0307-2101) as proposed rules, on September 1, 2021, in Idaho Administrative Bulletin Vol. 21-9 (pages 108-132); and

WHEREAS, the period for the public to submit written comment or oral comment regarding rulemaking Docket No. 37-0307-2101 tolled on September 22, 2021, with one comment received; and

WHEREAS; the single comment received opposed all changes to IDAPA 37.03.07 Stream Channel Alteration Rules contained in the proposed rule and was contrary to the support and approval for the changes expressed by most of the stakeholders that participated and commented in the rulemaking negotiations; and

WHEREAS, DFM published IDAPA 37.01.01 Rules of Procedure (Docket No. 37-0101-2101) as proposed rules, on October 6, 2021, in Idaho Administrative Bulletin Vol. 21-10 (pages 86-105); and

WHEREAS, the period for the public to submit written comment or oral comment regarding rulemaking Docket No. 37-0101-2101 tolled on October 27, 2021, with no comments received; and

NOW, THEREFORE BE IT RESOLVED that the IWRB adopts and authorizes the notice and publication of the proposed IDAPA 37.03.07 Stream Channel Alteration Rules (Docket No. 37-0307-2101) as pending rules and directs their adoption as published on September 1, 2021, in Idaho Administrative Bulletin Vol. 21-9.

NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB adopts and authorizes the notice and publication of the proposed IDAPA 37.01.01 Rules of Procedure (Docket No. 37-0101-2101) as pending rules and directs their adoption as published on October 6, 2021, in Idaho Administrative Bulletin Vol. 21-10.
DATED this 19th day of November 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST

JO ANN COLE-HANSEN, Secretary
Idaho Water Resource Board
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE IDAHO WATER RESOURCE BOARD’S OMNIBUS RULEMAKING

RESOLUTION TO ADOPT AND PUBLISH PENDING OMNIBUS FEE AND NON-FEE RULES

WHEREAS, the Idaho Water Resource Board (“IWRB”) is the executive branch entity with either sole or shared statutory oversight and authority over ten chapters of Administrative Non-Fee and Fee Rules in IDAPA 37, including: IDAPA 37.01.01 Rules of Procedure of the IDWR; IDAPA 37.02.01 Comprehensive State Water Plan Rules; IDAPA 37.02.03 Water Supply Bank Rules; IDAPA 37.02.04 Shoshone Bannock Tribal Water Supply Bank; IDAPA 37.03.03 Rules and Minimum Standards for the Construction and Use of Injection Wells; IDAPA 37.03.04 Drilling for Geothermal Resources Rules; IDAPA 37.03.05 Mine Tailings Impoundment Structures Rules; IDAPA 37.03.06 Safety of Dams Rules; IDAPA 37.03.07 Stream Channel Alteration Rules; IDAPA 37.03.09 Well Construction Standards Rules; and IDAPA 37.03.10 Well Driller Licensing Rules; and

WHEREAS, at the direction of the Division of Financial Management (“DFM”) the IWRB adopted its non-fee rules as temporary rules, effective July 1, 2021, in its Resolution No. 20-2021 on May 21, 2021; and

WHEREAS, also at the direction of DFM the IWRB adopted its fee rules as temporary fee rules, effective July 1, 2021, in its Resolution No. 21-2021 on June 15, 2021; and

WHEREAS, DFM published the IWRB’s temporary non-fee rules as Docket No. 37-0000-2100 and its fee rules as Docket No. 37-0000-2100F, on July 21, 2021, in the Idaho Administrative Bulletin Vol. 21-7SE (pages 4808-5039); and

WHEREAS, on August 24, 2021, DFM directed all state executive agencies to adopt and publish their temporary rules (both fee and non-fee) as proposed rules, and later pending rules, and submit them for 2022 legislative review as an omnibus rulemaking; and

WHEREAS, the IWRB adopted and authorized the publication of its omnibus temporary fee and non-fee rules as proposed rules in its resolution 33-2021 on September 30, 2021; and

WHEREAS, DFM published the IWRB’s temporary non-fee rules as proposed omnibus non-fee rules (Docket No. 37-0000-2100) and its temporary fee rules as proposed omnibus fee rules (Docket No. 37-0000-2100F), on October 20, 2021, in the Idaho Administrative Bulletin Vol. 21-10SE (pages 4523-4702); and

WHEREAS, on October 25, 2021, DFM directed all state executive agencies to adopt and publish their omnibus proposed rules (both fee and non-fee) as pending rules in a special edition of the Idaho Administrative Bulletin on December 22, 2021; and
WHEREAS, the period for the public to submit written comment or oral comment regarding the IWRB’s October 20, 2021, published proposed omnibus non-fee and fee rules tolled on November 10, 2021, with no comments submitted; and

WHEREAS, the IWRB’s 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; and

WHEREAS, the expiration of the IWRB’s rules without due consideration and process would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by the rules; and

WHEREAS, the Governor has found that the fee(s) or charge(s) imposed or increased in the fee rules are justified and necessary to avoid immediate danger to the budget of the Idaho Department of Water Resources, to the state budget, to necessary state functions, and services, and to avoid immediate danger of a potential violation of Idaho’s constitutional requirement that the state annually balance its budget.

NOW, THEREFORE BE IT RESOLVED that the IWRB adopts and authorizes the notice and publication of the following proposed fee rules as pending rules and directs their adoption as published on October 20, 2021, in the Idaho Administrative Bulletin Vol. 21-10SE:

• 37.01.01, (Rules of Procedure of the Idaho Department of Water Resources);
• 37.02.03, (Water Supply Bank Rules);
• 37.03.03, (Rules and Minimum Standards for the Construction and Use of Injection Wells);
• 37.03.04, (Drilling for Geothermal Resources Rules);
• 37.03.05, (Mine Tailings Impoundment Structures Rules);
• 37.03.06, (Safety of Dams Rules);
• 37.03.07, (Stream Channel Alteration Rules);
• 37.03.09, (Well Construction Standards Rules); and
• 37.03.10, (Well Driller Licensing Rules).

NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB adopts and authorizes the notice and publication of the following proposed non-fee rules as pending fee rules and directs their adoption as published on October 20, 2021, in the Idaho Administrative Bulletin Vol. 21-10SE:

• 37.02.01, Comprehensive State Water Plan Rules
• 37.02.04, Shoshone Bannock Tribal Water Supply Bank.

Resolution No. 47-2021
DATED this 19th day of November 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST

JO ANN COLE-HANSEN, Secretary
Idaho Water Resource Board
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE IDAHO WATER CENTER OPERATING AGREEMENT

RESOLUTION TO APPROVE AMENDMENT TO THE OPERATING AGREEMENT PAYMENT SCHEDULE

WHEREAS, On December 17, 2002, The Idaho Water Resource Board (IWRB), the Idaho Department of Water Resources (Department), The Department of Administration, the Board of Regents of the University of Idaho (University), and the Idaho State Building Authority entered into a Facilities Lease detailing bond financing and operating of the Idaho Water Center; and

WHEREAS, On December 17, 2002, IWRB, the Department, and the University entered into an Operating Agreement outlining how the parties would jointly own and occupy the Idaho Water Center. The Operating Agreement includes a payment schedule which contains the Department’s share of the Idaho Water Center bond payments; and

WHEREAS, The bonds, issued for the Idaho Water Center, were refunded in 2012 and 2019, reducing the debt service; and

WHEREAS, The Department and the University negotiated a new payment schedule for the Operating Agreement such that the Department will benefit from the bond refundings. The Department will receive a savings of approximately $4.8 million eliminating the 2033 through 2035 payments and reducing the 2032 payment.

WHEREAS, The Operating Agreement must be amended to incorporate the new payment schedule.

NOW THEREFORE BE IT RESOLVED, that the IWRB authorizes the Chairman or his designee to sign an amendment to the Operating Agreement to effectuate the new payment schedule.

DATED this 19th day of November 2021.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST: JO ANNE COLE-HANSEN, Secretary