

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE  
THE WATER SUPPLY BANK LEASE OF WATER  
RIGHT NO. 77-4208 ON KNAPP CREEK

RESOLUTION TO MAKE A FUNDING  
COMMITMENT

1           WHEREAS, natural-origin Chinook salmon, steelhead, and bull trout habitat in the Middle  
2 Fork Salmon River Basin is impacted by flow-limited tributaries; and

3  
4           WHEREAS, Knapp Creek, tributary to Marsh Creek, has been identified as a high priority  
5 stream for flow restoration efforts, to provide high quality spawning and rearing habitat for  
6 natural-origin anadromous Chinook salmon, steelhead, and resident bull trout, and

7  
8           WHEREAS, it is in the interest of the State of Idaho to increase flow in Knapp Creek to  
9 promote recovery of ESA-listed Chinook salmon, steelhead, and bull trout fish; and

10  
11           WHEREAS, Water Right No. 77-4208 has been historically diverted from Knapp Creek for  
12 irrigation purposes; and

13  
14           WHEREAS, the Idaho Water Resource Board (IWRB), pursuant to Section 42-1734, Idaho  
15 Code, has the authority to acquire, purchase, lease, or exchange land, rights, water rights,  
16 easements, franchises, and other property deemed necessary or proper for the construction,  
17 operation, and maintenance of water projects; and

18  
19           WHEREAS, the Water Right owner has leased a portion of the water right to the Water  
20 Supply Bank (WSB) since 2018 and is compensated through a Columbia Basin Water Transactions  
21 Program (CBWTP) payment contract with the IWRB; and

22  
23           WHEREAS, the Water Right owner desires to continue to lease to the IWRB a portion (129  
24 acres) of Water Right No. 77-4208 so that the water may remain in Knapp Creek to enhance fish  
25 habitat; and

26  
27           WHEREAS, the 2018 WSB lease contract expired December 31, 2022, and the CBWTP  
28 payment contract expires October 31, 2023; and

29  
30           WHEREAS, WSB lease contract No. 1624, with a term of 2023 to 2028, was developed and  
31 approved by the IWRB in 2022 via Resolution No. 41-2022 to leave water in Knapp Creek and  
32 improve stream flow for anadromous and resident fish; and

33           WHEREAS, a new CBWTP payment contract with a term of 2024 to 2028 will compensate  
34 the Water Right owner for this WSB lease at a rate of \$60.50/acre for an annual payment of  
35 \$7,804.50, and a total cost not to exceed \$39,022.50 over the 5-year payment contract; and


37 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman or designee to  
38 compensate the Water Right holder for leasing Water Right No. 77-4208 to the WSB per Lease  
39 Contract No. 1624 for a period of 5 years, from 2024 to 2028; and

40  
41 NOW THEREFORE BE IT RESOLVED that the IWRB made a funding commitment in 2022  
42 per Resolution No. 41-2022 to pay up to \$250 in lease application fees to facilitate this  
43 transaction; and

44  
45 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition  
46 that the IWRB receives the requested funding from the Bonneville Power Administration  
47 Columbia Basin Water Transaction Fund in the amount of \$39,272.50.

DATED this 15<sup>th</sup> day of September 2023.

  
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JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST   
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DEAN STEVENSON, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE 2024-2028 LITTLE  
MUD CREEK AND PAHSIMEROI RIVER  
WATER TRANSACTION

RESOLUTION TO MAKE A FUNDING  
COMMITMENT

1           WHEREAS, the 2004 Snake River Water Rights Agreement (also known as the “Nez Perce  
2 Agreement”) commits the state to providing incentives for improving fish habitat and improving  
3 or protecting flow conditions to augment streams flows; and  
4

5           WHEREAS, Chinook salmon and steelhead habitat in the Pahsimeroi River Basin is limited  
6 by low flow in the main-stem and disconnected tributaries; and  
7

8           WHEREAS, Little Mud Creek and the Pahsimeroi River have been identified as high priority  
9 streams for flow restoration efforts to provide high quality habitat for anadromous Chinook  
10 salmon and steelhead; and  
11

12           WHEREAS, in accordance with the Nez Perce Agreement, it is in the interest of the State  
13 of Idaho to maintain the reconnection of Little Mud Creek to the Pahsimeroi River to encourage  
14 recovery of ESA-listed Chinook salmon and steelhead; and  
15

16           WHEREAS, the Board previously authorized transactions to lease and rent water rights  
17 owned by BAR G FARM through the Board’s Water Supply Bank to enhance flows in the Little  
18 Mud Creek and the Pahsimeroi River; and  
19

20           WHEREAS, the Board will compensate BAR G FARM or its successors, \$38.50 per acre per  
21 irrigation season for said rental for annual payment of \$5,686.45 for 147 acres and a 5-year total  
22 of \$28,432.24; and  
23

24           WHEREAS, the lease application fees (\$1,500) and rental fees (\$5,985.75) for said  
25 agreement will not exceed \$7,485.75; and  
26

27           WHEREAS, a proposal for \$35,918.00 has been submitted to the Columbia basin Water  
28 Transactions Program for approval; and  
29

30           WHEREAS, funding is available through the Columbia Basin Water Transaction Program  
31 for said lease and rental agreements; and  
32

33           WHEREAS, staff anticipates the funds being placed in the Idaho Water Resource Board  
34 (IWRB) Revolving Development Account for annual payment to the water rights owners; and  
35


36 WHEREAS, the Little Mud Creek and Pahsimeroi River transaction is in the public interest  
37 and is in compliance with the State Water Plan; and  
38

39 NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into  
40 5- year lease and rental agreements from 2024-2028 for water rights 73-10005, 73-11982, 73-  
41 11983, 73-90, 73-11978, 73-11992, 73-11993, 73-11988, 73-11987, and 73-11981 for delivery to  
42 minimum stream flow 73-7045, for an amount not to exceed \$35,918.00.  
43

44 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition  
45 that the Board receives the requested funding from the Bonneville Power Administration through  
46 the Idaho MOA/Fish Accord Water Transaction Program or the Columbia Basin Water Transaction  
47 Fund in an amount up to \$35,918.00.  
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DATED this 15th day of September 2023.

  
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JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST   
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DEAN STEVENSON, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE HAT CREEK  
ACQUISITION AND PERMANENT  
LEASE/RENTAL WATER TRANSACTION

RESOLUTION TO MAKE A FUNDING  
COMMITMENT

1           WHEREAS, resident bull trout, juvenile Chinook salmon, and adult steelhead in Hat Creek  
2 are limited by low flow in the lower reaches of Hat Creek; and

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

7           WHEREAS, it is in the interest of the State of Idaho to increase flow in Hat Creek to  
8 encourage recovery of ESA-listed bull trout, Chinook Salmon, and steelhead; and

9           WHEREAS, the Idaho Water Resource Board (IWRB) owns minimum streamflow Water  
10 Right No. 75-14189 on Hat Creek; and

11           WHEREAS, the IWRB, pursuant to Section 42-1734, Idaho Code, has the authority to  
12 acquire, purchase, lease, or exchange land, rights, water rights, easements, franchises, and other  
13 property deemed necessary or proper for the construction, operation, and maintenance of water  
14 projects; and

15  
16           WHEREAS, since 2004 the water right owners for Water Right Nos. 75-2137, 75-41991  
17 and 75-4200 have leased all or a portion of their irrigation rights to the Water Supply Bank for  
18 rental and delivery to the Hat Creek minimum stream flow Water Right No. 75-14189, resulting  
19 in up to 2.51 cfs in addition flow in Big Hat Creek and Hat Creek to improve stream flow for  
20 anadromous and resident fish; and

21           WHEREAS, in July 2023 the water right owners agreed to sell Water Right Nos. 75-2137,  
22 75-4199, and 75-4200 to the IWRB for the permanent rental and delivery of up to 2.51 cfs to the  
23 Hat Creek minimum stream flow Water Right No. 75-14189; and

24           WHEREAS, in January 2023 staff used programmatic grant funds to commission an  
25 appraisal by a licensed realtor to determine the value of the 240-acre property associated with  
26 Water Right Nos. 75-2137, 75-4199, and 75-4200 with and without senior Hat Creek water rights;  
27 and

28           WHEREAS, the 240-acre property associated with Water Right Nos. 75-2137, 75-4199, and  
29 75-4200 is situated at the confluence of Big Hat and Hat Creek at river mile 7 and represents a  
30 unique public land's private inholding that is surrounded by BLM and adjacent USFS land that has

31 both seasonal public road access and the potential for air strip development; and

32 WHEREAS, the 240-acre property associated with Water Right Nos. 75-2137, 75-4200, and  
33 75-4199 is valued just over \$1.5 million with the three senior irrigation rights accounting for  
34 nearly 33% of the market value, at \$530,000, or \$211,155 per cfs; and


35 WHEREAS, permanent Water Supply Bank rental fees for Water Right Nos. 75-2137, 75-  
36 4200, and 75-4199 to Water Right No. 75-14189 will be \$53,278; and

37 WHEREAS, a Hat Creek permanent water transaction involving Water Right Nos. 75-2137,  
38 75-4199, and 75-4200 is in the public interest and in compliance with the State Water Plan; and

39 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman or designee to  
40 acquire and permanently lease and rent Water Right Nos. 75-2137, 75-4199, and 75-4200  
41 through the Water Supply Bank for delivery to the Water Right no. 75-14189; and

42 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition  
43 that the IWRB receives the requested funding from the Bonneville Power Administration through  
44 the Columbia Basin Water Transaction Program (\$455,223) and the 2008 Idaho Accord/MOA  
45 Idaho Water Transaction Fund (\$128,055) for a total amount not to exceed \$583,278.

DATED this 15<sup>th</sup> day of September 2023.



JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST:



DEAN STEVENSON, Secretary

**EFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE BLAINE COUNTY CANAL  
COMPANY LOAN REQUEST

RESOLUTION TO AUTHORIZE INCREASED  
FUNDING FOR COSTS RELATED TO  
INFRASTRUCTURE IMPROVEMENTS

1           WHEREAS, in November of 2021, the Blaine County Canal Company (Company) submitted a loan  
2 application to the Idaho Water Resource Board (IWRB) in the amount of \$250,000.00 to cover costs  
3 associated with a project to move its point of diversion, install a new diversion structure, and pipe open  
4 canals (Project); and  
5

6           WHEREAS, the Company delivers water for approximately 4,880 acres of irrigated lands in Butte  
7 County near Howe, Idaho; and  
8

9           WHEREAS, the Company's delivery system was originally constructed in the early 1900s, with  
10 few improvements made since the system was developed; and  
11

12           WHEREAS, considerable systemwide improvements are required to ensure long-term reliable  
13 water delivery and reduce water loss due to seepage; and  
14

15           WHEREAS, the total estimated cost for the first Phase of the Project was approximately  
16 \$1,500,000 and was supported by grant funding and an energy savings; and  
17

18           WHEREAS, in May of 2022, the IWRB approved an increase to the Company's existing IWRB loan  
19 in the amount of \$900,000, for a total of \$1,500,000, to cover the cost of materials until the installation  
20 of pipe was complete and grant funds could be disbursed; and  
21

22           WHEREAS, the Company promptly applied grant funds in the amount of \$686,250 towards its  
23 loan upon receipt of the disbursement and received additional grant funding to continue into the  
24 second Phase of infrastructure improvements; and,  
25

26           WHEREAS, in November of 2022, the IWRB approved an increase of \$650,000 to the existing  
27 approved loan, for a total amount not to exceed \$1,800,000 to cover the cost of materials until  
28 installation was completed at which time the Company applied \$763,800 toward the outstanding  
29 balance; and,  
30

31           WHEREAS, the Company has since received additional grant funding to finish the project in the  
32 amount of \$3,452,000; and,  
33

34           WHEREAS, the Company is requesting an increase of \$5,635,142.20 to the existing approved  
35 loan, for a total not to exceed \$6,000,000 to cover the cost of materials until installation is completed  
36 and grant funds can be disbursed; and,  
37

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

41  
42 NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB approves the loan amendment, not  
43 to exceed \$6,000,000 from the Revolving Development Account at 2.6 % interest with a 15-year  
44 repayment term.

45  
46 NOW THEREFORE IT BE FURTHER RESOLVED, funds under this contract will be repaid within 60  
47 days of receipt of federal grant funding, else the interest rate will default to the current market rate for  
48 the remaining loan term.


49  
50 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution and the approval of the loan  
51 amendment are subject to the following conditions:

- 52
- 53 1) The Company shall comply with all applicable rules and regulations that apply to the  
54 proposed Project.
  - 55 2) Prior to the disbursement of any funds, the Company shall comply with all statutory  
56 requirements for incurring debt.
  - 57 3) Prior to the disbursement of any funds, the Company will provide acceptable security for the  
58 loan to the IWRB.

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DATED this 15<sup>th</sup> day of September 2023.

  
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Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST   
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Dean Stevenson, Secretary



**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE WEISER IRRIGATION  
DISTRICT LOAN REQUEST

RESOLUTION TO AUTHORIZE LOAN FUNDING  
FOR COSTS RELATED TO GALLOWAY DAM  
REPAIRS AND IMPROVEMENTS

1           WHEREAS, in August 2023, the Weiser Irrigation District (District) submitted a loan application to  
2 the Idaho Water Resource Board (IWRB) in the amount of \$126,500 to cover costs associated with the  
3 raise & repair of the Galloway Dam and underlying foundation; and,  
4

5           WHEREAS, the District was established in 1902 and provides water across nearly 15,000 acres  
6 for approximately 2,400 shareholders; and,  
7

8           WHEREAS, the Galloway Dam was initially constructed as a gravel Dam and replaced with a  
9 concrete structure in 1936; and,  
10

11           WHEREAS, the estimated annual loan payment, based on a three-disbursement model, is  
12 approximately \$33,000; and,  
13

14           WHEREAS, the District assesses approximately 2,400 shareholders by acre at \$36.00 per acre  
15 and holds additional delivery contracts estimated  
16 at \$60,000 annually; and,  
17

18           WHEREAS, the District will use portions of their assessments and revenue generated from said  
19 delivery contracts to make the required annual payment; and,  
20

21           WHEREAS, the District is a qualified applicant, and the proposed Project is eligible for a loan  
22 from the Board's Revolving Development Account; and  
23

24           WHEREAS, the District has provided a statement prepared by White Peterson and a Resolution  
25 from the District's Board of Directors authorizing the incurrence of debit; and,  
26

27           WHEREAS, the proposed Project is in the public interest and is in compliance with the State  
28 Water Plan.  
29

30           NOW THEREFORE BE IT RESOLVED that the IWRB provides authority to the Chairman of the  
31 Idaho Water Resource Board, or his designee, to enter into contracts, to effectuate the loan, with the  
32 District on behalf of the IWRB.  
33

34           NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB approves a loan not to exceed  
35 \$126,500 from the Revolving Development Account at 8.25 % interest with a 5-year repayment term.  
36

37           NOW THEREFORE BE IT FURTHER RESOLVED that this resolution and the approval of the loan are  
38 subject to the following conditions:  
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- 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.
- 3) Prior to the disbursement of any funds, the District will provide acceptable security for the loan to the IWRB.

DATED this 15<sup>th</sup> day of September 2023.

  
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JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST   
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DEAN STEVENSON, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE BARBER POOL HYDRO  
LOAN REQUEST

RESOLUTION TO AUTHORIZE LOAN FUNDING  
FOR COSTS RELATED TO BYPASS  
REHABILITATION

1           WHEREAS, in September 2022, Barber Pool Hydro (BPH) submitted a loan application to the  
2 Idaho Water Resource Board (IWRB) in the amount of \$850,670 to cover costs for a project to  
3 rehabilitate the Barber Dam bypass structure (Project); and  
4

5           WHEREAS, the Barber Dam Hydroelectric Project (BDHP), originally constructed in 1905, is  
6 located on the Boise River in Ada County, Idaho; and  
7

8           WHEREAS, Ada County was statutorily required to take ownership of the BDHP in 1970, and has  
9 jointly operated the project in partnership with Fulcrum, a co-licensee on the dams FERC license; and  
10

11           WHEREAS, the BDHP bypass is in need of eminent repairs due to the age of the system; and  
12

13           WHEREAS, BPH is a qualified applicant, and the proposed Project is eligible for a loan from the  
14 IWRB's Revolving Development Account; and  
15

16           WHEREAS, the proposed project is in the public interest and is in compliance with the State  
17 Water Plan; and,  
18

19           WHEREAS, in September 2022, the IWRB approved a loan to BPH (34-2022, September 2022) in  
20 the amount of \$850,670 with a 3.33% interest rate and 20-year repayment term; and,  
21

22           WHEREAS, BPH is requesting an extension, through March of 2025, to act on the contract due to  
23 circumstances beyond their control regarding FERC licensing.  
24

25           NOW THEREFORE BE IT RESOLVED that the IWRB provides authority to the Chairman of the  
26 Idaho Water Resource Board, or his designee, to enter into contracts, to effectuate the loan, with the  
27 Company on behalf of the IWRB.  
28

29           NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB approves the extension of time to  
30 act on contract IWRB1033, for an additional 2 years, through March 2025  
31

32           NOW THEREFORE BE IT FURTHER RESOLVED that this resolution and the approval of the  
33 extension of time are subject to the following conditions:  
34

- 35           1) Barber Pool Hydro shall comply with all applicable rules and regulations that apply to the  
36 proposed Project.  
37           2) Prior to the disbursement of any funds, Barber Pool Hydro shall comply with all statutory  
38 requirements for incurring debt.


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3) Prior to the disbursement of any funds, Barber Pool Hydro will provide acceptable security for the loan to the IWRB.

DATED this 15<sup>th</sup> day of September 2023.



Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST   
Dean Stevenson, Secretary