

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE LEMHI RIVER BASIN

RESOLUTION FOR STEPS NEEDED TO  
EXERCISE THE LEMHI AT MCFARLAND  
MINIMUM STREAM FLOW

1 WHEREAS, the 2021 Idaho Legislature adopted House Concurrent Resolution 21, which  
2 directed the Board to continue to work expeditiously with local water users to complete a  
3 comprehensive settlement that resolves current tensions and conflicts over the use of Lemhi  
4 Basin high flows; and

5  
6 WHEREAS, in 2021, the Idaho Water Resource Board, Idaho Department of Fish and  
7 Game, Idaho Office of Species Conservation, and Various Lemhi Basin Water Users signed the  
8 Lemhi River Comprehensive Settlement Agreement (Agreement); and

9  
10 WHEREAS, the Agreement creates a comprehensive process for 1) resolving protests to  
11 pending applications for permits, 2) appropriating water rights to establish protectable water  
12 rights for the existing high flow practice, and 3) appropriating instream flow water rights on  
13 certain streams for fish passage, spawning, and rearing; and

14  
15 WHEREAS, on February 24, 2022, the Board approved the Agreement by resolution; and

16  
17 WHEREAS, participation in the Agreement is voluntary; and

18  
19 WHEREAS, as part of the Agreement, the 2022 Idaho Legislature enacted 42-251(2)  
20 Idaho Code, which allows Lemhi irrigators who hold irrigation rights decreed in the SRBA and  
21 who use Lemhi Basin “high flow” to file an application for permit with the department of water  
22 resources to convert such use into a protectable water right on or before July 1, 2024, and  
23 these protectable water rights are known as streamflow maintenance water rights; and

24  
25 WHEREAS, as part of the Agreement, the 2022 Idaho Legislature enacted 42-1506A,  
26 Idaho Code, which authorized the Board to appropriate a minimum stream flow water right on  
27 the Lemhi River at the McFarland Campground (McFarland MSF) in the amount of 420 cfs; and

28  
29 WHEREAS, the McFarland MSF may be exercised two out of every five years, and the  
30 exercise of the right shall be limited to a duration of three days (72 hours) between March 15<sup>th</sup>  
31 to July 6<sup>th</sup>. The five-year period shall be a rolling period; and

32  
33 WHEREAS, the McFarland MSF aims to 1) flush the overlying fine sediment of the  
34 armored Lemhi River streambed and 2) mobilize streambed materials to restore and enhance  
35 fish habitat; and

36  
37 WHEREAS, the board needs to develop an effectiveness monitoring program for the  
38 McFarland MSF; and  
39

40 WHEREAS, as a condition of obtaining a streamflow maintenance water right, the  
41 applicant agrees to the inclusion of a condition on the streamflow maintenance water right that  
42 requires the applicant to cease diversions under the right while the McFarland MSF is being  
43 exercised; and  
44

45 WHEREAS, the deadline for filing a streamflow maintenance water right application is  
46 July 1, 2024, and therefore, there is no current mechanism to require streamflow maintenance  
47 water right holders to cease diversion while the McFarland MSF is being exercised because the  
48 rights do not yet exist; and  
49

50 WHEREAS, the exercise of the McFarland MSF will increase flow in the Lemhi River and  
51 the Board needs to assess the extent and potential effects of that increased flow; and  
52

53 NOW, THEREFORE BE IT RESOLVED, the following steps need to be completed to  
54 exercise the McFarland MSF: 1) the permitting and accounting of streamflow maintenance  
55 water rights by the department; 2) the establishment of a McFarland MSF effectiveness  
56 monitoring program; and 3) an assessment of increased flow during the McFarland MSF  
57 exercise; and  
58

59 NOW, THEREFORE BE IT FURTHER RESOLVED, water users that are party to the  
60 settlement and who divert water upstream of the McFarland Campground may voluntarily  
61 agree to cease diversion of their high flow to meet the McFarland MSF; and  
62

63 NOW, THEREFORE BE IT FURTHER RESOLVED, that voluntary exercise may occur prior to  
64 the completion of the steps listed in lines 53-57; and  
65

66 NOW, THEREFORE BE IT FURTHER RESOLVED, the voluntary exercise should be counted  
67 towards the two in every five-year rolling period.  
68

DATED this 19<sup>th</sup> day of January 2024.

  
JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST   
DEAN STEVENSON, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE WATER SUPPLY BANK

RESOLUTION TO INCREASE THE RENTAL FEE  
RATE FOR THE BOARD'S BANK IN 2025

1 WHEREAS, Idaho Code 42-1761 established the Water Supply Bank; and

2  
3 WHEREAS, Water Supply Bank Rule Subsection 030.01 establishes that the Idaho Water  
4 Resource Board (IWRB) may determine the rental price from the Board's bank; and

5  
6 WHEREAS, on March 16, 2012, the IWRB established the Board's bank rental price be equal  
7 to the flow augmentation rental rate schedule as laid out within the terms of the Snake River  
8 Water Rights Agreement of 2004, also known as the Nez Perce Agreement; and

9  
10 WHEREAS, the rental fee increased to \$23.00 per acre-foot in 2023, consistent with the  
11 Nez Perce Agreement; and

12  
13 WHEREAS, the revenue generated from the rental fees for years 2013 through 2022 has  
14 not been sufficient to cover the operating costs of the Board's bank; and

15  
16 WHEREAS, on December 18, 2023, the Water Supply Bank Committee of the IWRB  
17 reviewed options to increase the Board's bank revenues to support operating costs and  
18 recommend the IWRB increase the Board's bank rental price to \$33.00 per acre-foot in 2025.

19  
20 NOW, THEREFORE BE IT RESOLVED that, unless otherwise agreed to between lessor and  
21 renter and approved by the Director of the Department of Water Resources, the price for water  
22 rights rented from the Board's Bank beginning in 2025 shall be \$33.00 per acre-foot. The rental  
23 price includes the 10% administrative fee, which will be a minimum of \$3.30 per acre-foot.

24  
DATED this 19<sup>th</sup> day of January 2024.

  
\_\_\_\_\_  
JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST   
\_\_\_\_\_  
DEAN STEVENSON, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF AGING  
INFRASTRUCTURE GRANTS

RESOLUTION TO AWARD FUNDS

1 WHEREAS, House Bill 1181 passed and approved in 2023 by the Idaho Legislature  
2 appropriated to the Idaho Water Resource Board's (IWRB) Water Management Account  
3 \$50,000,000 to be used for expenditures, loans, or grants for water projects, including studies,  
4 to address water sustainability, rehabilitate or improve aging water infrastructure; and  
5

6 WHEREAS, the legislature provided that no more than one-third of these moneys shall  
7 be used for grants, and directed the IWRB to develop criteria, taking into account the public's  
8 input for the expenditures of money for grants, which shall be competitive, matching grants  
9 that prioritize projects based on the public benefits they provide; and  
10


11 WHEREAS, on May 19<sup>th</sup> 2023 the IWRB adopted criteria for the award of Aging  
12 Infrastructure grants and set an application deadline of December 1, 2023; and  
13

14 WHEREAS, nineteen (19) Aging Infrastructure grant applications were received by the  
15 deadline and the applications were evaluated, scored and ranked according to the criteria  
16 adopted by IWRB; and  
17

18 WHEREAS, on January 11, 2024 the Finance Committee met and discussed the projects,  
19 and recommended the IWRB approve Aging Infrastructure Grant awards as specified in the  
20 Attachment A included with the resolution; and  
21

22 NOW, THEREFORE BE IT RESOLVED that the IWRB approves the award of Aging  
23 Infrastructure Grants from the Water Management Account as specified in Attachment A to this  
24 resolution.  
25

DATED this 19<sup>th</sup> day of January 2024.

  
\_\_\_\_\_  
Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST   
\_\_\_\_\_  
Dean Stevenson, Secretary

# Attachment A Resolution 03-2024

Aging Infrastructure Applications for Round Four									
	Project	Funds Requested	Total Project Costs	Score	District	Grant Award	Dist	Total Awarded	Percent Of Total
1	Black Canyon Irrigation District Measurement Modernization	100,000	463,397	92.00	2	100,000	1	1,369,165	11.0%
2	Sunnydell Irrigation District - Canal Lining	2,000,000	6,971,002	89.00	4	2,000,000	2	594,126	4.8%
3	Jefferson Irrigation Company - Conversion to Pipeline	581,488	2,528,210	86.00	4	581,488	3	1,076,151	8.6%
4	Twin Falls Canal Company - Closer High Line Measurement	51,332	171,106	85.00	3	51,332	4	4,638,908	37.1%
5	Mud Lake Water Users - Lateral lining & Pump Station Reconstruction	800,000	2,400,000	81.00	4	800,000	Total	7,678,350	61.4%
6	Jefferson Irrigation Company - Measurement Modernization	145,648	458,800	80.00	4	145,648	Budget	12,500,000	
7	Last Chance Canal Company - Measurement Modernization	140,674	211,000	80.00	4	140,674	Diff	-4,821,650	
8	Farmers Land & Irrigation Company - Diversion Replacement	89,667	269,000	79.00	4	89,667			
9	Mountain Home Irrigation District - Tunnel 13 & 15 repairs	394,403	1,195,161	79.00	2	394,403			
10	Parks and Lewisville Irrigation Company - SCADA Phase II	83,852	254,098	79.00	4	83,852			
11	Dalton Gardens Irrigation District - Rehab Irrigation Transmission Line/Pump House	1,369,165	4,107,500	77.00	1	1,369,165			
12	FMID - Modernize Crosscut Canal Check Structure	26,680	80,850	77.00	4	26,680			
13	AFRD2 - Radial Arm Gate Repair	40,000	135,051	75.00	4	40,000			
14	Teton Irrigation - Conversion of Lateral to Pipeline	58,008	175,780	74.00	4	58,008			
15	New Sweden Irrigation District - Martin Flume Relocation/Expansion	672,891	2,039,062	72.00	4	672,891			
16	Bilbrey Ditch Company - Canal Automation	40,173	121,735	66.00	2	40,173			
17	Capital View Irrigation District - Delivery Pipe Modernization	59,550	198,500	63.00	2	59,550			
18	Moore Canal Water Users' Association - Conversion of Lateral to Pipeline	1,024,819	3,202,559	62.00	3	1,024,819			
19	Squaw Creek Ditch Company - Canal Modernization Study	33,000	100,000	23.00	2	Study; not eligible for AIG			
Total Funds Requested		7,711,350	25,082,811			\$7,678,350			

Grant Budget is \$12.5 million for round four

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE REGIONAL WATER  
SUSTAINABILITY PRIORITY LIST

RESOLUTION TO APPROVE CONTRACT TERMS  
& CONDITIONS FOR THE AMERICAN FALLS  
DAM SPILLWAY REHABILITATION PROJECT

1 WHEREAS, The American Rescue Plan Act (ARPA), Pub. L. 117-2 subtitle M (2021), appropriated  
2 \$219,800,000,000 to the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) for making payments  
3 to the States to mitigate the fiscal effects stemming from the public health emergency in response to the  
4 Coronavirus disease; and

5  
6 WHEREAS, The SLFRF funds may be used to, among other things, make necessary investments in  
7 water, sewer, or broadband infrastructure. Pub L. 117-2 sec. 602(c)(1)(D), 42 U.S.C. § 802(c)(D); and

8  
9 WHEREAS, Pursuant to 42 U.S.C. § 802(c)(4), SLFRF funds may be used to satisfy any non-federal  
10 matching requirement for an authorized Bureau of Reclamation (Reclamation) project; and

11  
12 WHEREAS, The Idaho Legislature in 2022 and 2023 passed legislation setting aside funds from the  
13 American Rescue Plan Act (ARPA) for the Idaho Water Resource Board (IWRB) to use on projects including  
14 those that have been identified by the IWRB as high priority water sustainability projects; and

15 WHEREAS, American Falls Reservoir District (AFRD) and Idaho Power Company (IPC), on behalf of all  
16 similarly situated spaceholders in American Falls Reservoir, filed a joint application for IWRB Regional  
17 Water Sustainability Funds to cover American Falls Reservoir Spaceholders' contribution to repairs and  
18 replacement work being made on the American Falls Dam and associated spillway (Project); and

19 WHEREAS, The repairs are being constructed through the United States Bureau of Reclamation with  
20 monetary contributions made by AFRD, IPC, and other similarly situated spaceholders (Contractors).  
21 Construction began in 2019 and is expected to continue through 2032; and

22 WHEREAS, The Contractors will enter into individual memorandum of agreements to implement a  
23 Contract with the IWRB for Project funding; and

24 WHEREAS, Contractors met the IWRB's funding criteria and the Project was included on the Regional  
25 Water Sustainability Priority List. In July 2023, the IWRB approved funding for the Contractors' Project;  
26 and

27 WHEREAS, in its resolution the IWRB directed staff to work with project sponsors to develop  
28 appropriate contract terms and conditions to be brought back to the IWRB for approval; and

29  
30 WHEREAS, on January 11, 2024 staff discussed proposed the terms and conditions for the American  
31 Falls Spillway Rehabilitation Project included in Attachment A with the IWRB Finance Committee; and

32  
33 NOW, THEREFORE BE IT RESOLVED that the IWRB approves the Terms and Conditions for the  
34 American Falls Dam Spillway Rehab as specified in Attachment A to this resolution.


36 NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB approves funding these projects using  
37 the ARPA monies; and  
38

39 NOW THEREFORE BE IT FURTHER RESOLVED that contract for this project will also contain  
40 standard IWRB contract conditions, ARPA Funding contract provisions, and other project specific Terms  
41 and Conditions not specified in this resolution.  
42

DATED this 19<sup>th</sup> day of January 2024.



Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST   
Dean Stevenson, Secretary

## ATTACHMENT A: Terms & Conditions

### American Falls Dam Spillway Rehabilitation Project

American Falls Dam is owned and operated by the US Bureau of Reclamation (Reclamation). The Project Sponsors include American Falls Reservoir District (American Falls Reservoir District 2 and North Side Canal Company, collectively AFRD) and Idaho Power Company (IPC). The Project Sponsors represent the Spaceholders and Idaho Power Falling Water respectively and are each responsible for a percentage of the costs.

The Project involves a series of repairs to the American Falls Dam including Spillway Repair, Trunnion Pin Replacement, Guard Gate Frame Inspection/Repair, and Dam Intakes Replacement (Design, Acquisitions, and Construction). The Spillway Repair was completed from 2015-2023 and the other projects are scheduled to be completed between 2023 and 2032.

The IWRB approved the use of American Rescue Plan Act (ARPA) money to fund the Project Sponsors' portion of the estimated project costs totaling \$12,486,758.

After coordinating with the Project Sponsors and Reclamation, IDWR and Deputy Attorney General's staff propose the following contract framework:

- Execute a contract between IWRB, IPC, and AFRD.
- Funding shall be disbursed in installments with the final installment being paid before December 31, 2026.
- The first installment will cover, at a minimum, reimbursement for the amount already paid by the Project Sponsors for the completion of the Spillway Repair (\$3,500,000).
- IWRB will require invoices before it makes payments. Accompanying the first invoice, IWRB will need a breakdown of prior expenditures being reimbursed based on invoices from Reclamation to the Project Sponsors. All subsequent invoices should be accompanied by a breakdown of anticipated project costs based on Reclamation's estimates.
- Contract term will run the life of the Project, though all funding will be disbursed by December 31, 2026. Reporting requirements will continue through the life of the contract.
- Project Sponsors will provide annual reports detailing project expenditures and work completed.
- IWRB agrees to pay up to \$12,486,758 to be applied to completion of the Spillway Repair, Trunnion Pin Replacement, Guard Gate Frame Inspection/Repair, and Dam Intakes Replacement (Design, Acquisitions, and Construction).
- Project Sponsors will comply with the IWRB's standard contract terms and ARPA related terms.



**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE REGIONAL WATER  
SUSTAINABILITY PRIORITY LIST

RESOLUTION TO APPROVE CONTRACT TERMS  
& CONDITIONS FOR THE GOODING FLOOD  
CONTROL AND THE LOST VALLEY RESERVOIR  
ENLARGEMENT PROJECTS

1 WHEREAS, the Idaho Legislature, through House Bill 769 passed in 2022 appropriated \$75 Million  
2 to the Idaho Water Resource Board (IWRB) to be used for certain ARPA-eligible water projects and  
3 projects that have been identified by the IWRB as high priority sustainability projects; and  
4

5 WHEREAS, the Idaho Legislature, through House Bill 361 passed in 2023 appropriated \$150 Million  
6 to the IWRB to be used for certain ARPA-eligible water projects and projects that have been identified by  
7 the IWRB as high priority sustainability projects; and  
8

9 WHEREAS, in July 2021 the IWRB adopted an initial Regional Water Sustainability Priority List to  
10 help guide the Idaho Water Resource Board's (IWRB's) spending for large, regional water sustainability  
11 projects from ARPA funds, state general funds, or other applicable sources. The IWRB also, in January  
12 2022, adopted threshold criteria indicating that a project must help achieve water supply sustainability  
13 on a regional, basin-wide, or state wide basis to be included on the Regional Water Sustainability Priority  
14 List; and  
15

16 WHEREAS, on July 21, 2023 the IWRB passed Resolution No. 31-2023 authorizing funding for nine  
17 Regional Water Sustainability Projects statewide for a total of \$59.4 million. The regional projects were  
18 funded with federal American Rescue Plan Act (ARPA) monies and state surplus funds from the IWRB's  
19 Water Management Account; and  
20

21 WHEREAS, in its resolution the IWRB directed staff to work with project sponsors to develop  
22 appropriate contract terms and conditions to be brought back to the IWRB for approval; and  
23

24 WHEREAS, on January 11, 2024, staff reviewed proposed the Terms and Conditions for the  
25 Gooding Flood Control Project and the Lost Valley Reservoir Enlargement included in Attachment A with  
26 the IWRB Finance Committee; and  
27

28 NOW, THEREFORE BE IT RESOLVED that the IWRB approves the Terms and Conditions for the  
29 Gooding Flood Control Project and the Lost Valley Reservoir Enlargement as specified in Attachment A to  
30 this resolution.  
31

32 NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB approves funding these projects using  
33 the Water Management Account.  
34

35 NOW, THEREFORE BE IT FURTHER RESOLVED that contracts for these projects will also contain  
36 standard IWRB contract conditions and other project specific Terms and Conditions not specified in this  
37 resolution.  
38

DATED this 19<sup>th</sup> day of January 2024.



Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST



Dean Stevenson, Secretary

## ATTACHMENT A: Terms & Conditions

### Gooding Flood Control Project

The Little Wood River meanders through the City of Gooding in a constructed masonry channel known as the Gooding Canal. In the 1930s, the river was realigned, and the channel was constructed of grouted and un-grouted hand-placed lava rock over the native lava rock riverbed. Since 1941, the channel walls have deteriorated significantly, and the rate of deterioration increases as the project ages. While the City of Gooding has preserved the canal's functionality through ongoing maintenance, targeted repairs, and replacement of channel wall sections, the seventy-five-year-old channel has approached the end of its useful life. Additionally, many sections of the wall have failed, which presents an increased risk of localized flooding and a threat to adjacent public infrastructure and private property.

The City of Gooding has been working with the United States Army Corp of Engineers (USACE) for over twenty years to replace the Gooding Canal. Thanks to efforts by U.S. Congressman Mike Simpson, the project has finally secured the necessary \$40 million in funding, which requires a 10% cost share (\$4 million).

The USACE will obtain all needed permits, approvals, and certifications. The City of Gooding will obtain any real estate interests needed to complete the project. Pre-construction activities will begin in February 2024. Construction is scheduled to begin in October 2025.

#### **Invoice-Reimbursement Contract and Proposed Terms & Conditions**

- This is an invoice-reimbursement not to exceed Contract where the IWRB has approved funding for the project. The sponsor shall pay the remainder of the project costs.
- Sponsor shall submit documentation demonstrating cost share has been secured (Project Partnership Agreement).
- 10% holdback on funds until Project Completion Form is submitted (\$400,000).
- When requested by the IWRB, provide a monthly progress report to the Contract Manager. The progress report shall include at a minimum:
  - Updated schedule to completion
  - Issues encountered in the reporting period
  - Final cost forecasts where applicable
  - Up to date project budget
- The Contractor shall provide with the final invoice a financial summary of the Project's costs with a detailed list of the type and amount of funds used to pay for the Project. The financial summary shall include the following:
  - Total final cost of the Project based on expenditures.
  - List all funding sources and the amount used on any aspect of the Project.
  - If a Federal or State grant was awarded for any portion of the Project, include the amount awarded.

## Lost Valley Reservoir Enlargement Project

The Lost Valley Reservoir Enlargement Project (Project) proposes to replace and enlarge the existing Lost Valley Dam by constructing a new dam, spillway, and outlet infrastructure. The proposed enlargement will raise the water level of the reservoir by 30 feet and increase storage from 10,000 acre-feet to 30,000 acre-feet. The total cost estimate for the project is approximately \$15 million.

The project sponsor, Lost Valley Reservoir Company (LVRC), presented the project proposal to the IWRB on June 14, 2023 and requested a 50% cost share for pre-construction costs. Pre-construction costs include the work needed to complete an Environmental Impact Statement (EIS) and federal consultation for the Northern Idaho Ground Squirrel, which is listed as Threatened under the Endangered Species Act. The estimated pre-construction costs, including the EIS, total \$1,120,000. Project sponsors requested 50%, or \$560,000, from the IWRB. The remaining \$560,000 will be secured through the sale of Class D shares (shares of the new storage water).

### **Cost-Reimbursement Contract and Proposed Terms & Conditions**

- This is cost-reimbursement not to exceed Contract for which the IWRB has approved funding for the project. The sponsor shall pay the remainder of the project costs.
- Sponsor shall submit documentation demonstrating the cost share has been secured (\$560,000). Specifically, sponsor shall provide bank statement documentation that the cost share has been secured through the sale of Lost Valley Reservoir Enlargement Class D shares.
- IWRB funds will not be provided until Lost Valley Reservoir Company's cost share is secured.
- Expenses paid by the LVRC for work on the Project after the date of the IWRB's Regional Water Sustainability Resolution to Award Funds Resolution (Resolution No. 31-2023), dated July 21, 2023) must meet the following criteria for cost-reimbursement: 1) invoices must be provided that clearly identify the work was completed for the EIS and/or pre-construction activities, and 2) the invoice was paid by the LVRC using the cost share secured through the sale of the Class D shares.
- 10% holdback on funds until Project Completion Form is submitted (\$56,000).
- When requested by the IWRB, provide a monthly progress report to the Contract Manager. The progress report shall include at a minimum:
  - Updated schedule to completion
  - Issues encountered in the reporting period
  - Final cost forecasts where applicable
  - Up to date project budget

- The Contractor shall provide with the final invoice a financial summary of the Project's costs with a detailed list of the type and amount of funds used to pay for the Project. The financial summary shall include the following:
  - Total final cost of the Project based on expenditures.
  - List all funding sources and the amount used on any aspect of the Project.
  - If a Federal or State grant was awarded for any portion of the Project, include the amount awarded.

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE REGIONAL WATER  
SUSTAINABILITY PRIORITY LIST

RESOLUTION TO AWARD REGIONAL WATER  
SUSTAINABILITY FUNDS TO LEWISTON  
ORCHARDS IRRIGATION DISTRICT

1 WHEREAS, the Idaho Legislature, through House Bill 769 passed in 2022 appropriated \$75 Million  
2 to the Idaho Water Resource Board (IWRB) to be used for certain ARPA-eligible water projects and  
3 projects that have been identified by the IWRB as high priority sustainability projects; and  
4

5 WHEREAS, the Idaho Legislature, through House Bill 361 passed in 2023 appropriated \$150 Million  
6 to the IWRB to be used for certain ARPA-eligible water projects and projects that have been identified by  
7 the IWRB as high priority sustainability projects; and  
8

9 WHEREAS, in July 2021 the IWRB adopted an initial Regional Water Sustainability Priority List to  
10 help guide the Idaho Water Resource Board's (IWRB) spending for large, regional water sustainability  
11 projects from ARPA funds, state general funds, or other applicable sources; and  
12

13 WHEREAS, the initial Regional Water Sustainability Priority list included a reference to the  
14 Lewiston Orchards Irrigation District (LOID) Lower Clearwater Exchange Project; and  
15

16 WHEREAS, on November 28, 2022, LOID submitted a request to the IWRB for this project to remain on  
17 the Priority List; and  
18

19 WHEREAS, On December 4, 2023, LOID submitted a request for funding to move forward with the  
20 Lower Clearwater Exchange Project. The district is requesting \$1,287,000 in funding to move the  
21 engineering and design to the 30% level; and  
22

23 WHEREAS, representatives from LOID provided a presentation on this funding request to the  
24 IWRB's Finance Committee on January 11, 2024; and  
25

26 WHEREAS, the Finance Committee recommended the IWRB approve the requested funds; and  
27

28 NOW, THEREFORE BE IT RESOLVED that the IWRB approves \$1,287,000 in funds to LOID to move  
29 the engineering and design to 30% level for the Lower Clearwater Exchange Project.  
30


31 NOW THEREFORE BE IT FURTHER RESOLVED staff is directed to work with project sponsor on a  
32 draft contract for this project, including appropriate Terms & Conditions which shall be brought back to  
33 the IWRB for approval before execution of each contract.  
34

35 NOW THEREFORE BE IT FURTHER RESOLVED if LOID enters into an engineering contract for this  
36 work prior to executing a contract with the IWRB, the IWRB will determine those costs to be reimbursable  
37 under this contract once executed.

DATED this 19<sup>th</sup> day of January 2024.



Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST   
Dean Stevenson, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE BUTTE MARKET LAKE  
CANAL COMPANY SYSTEM CAPACITY  
IMPROVEMENT STUDY

RESOLUTION TO APPROVE FUNDS FROM THE  
SECONDARY AQUIFER PLANNING,  
MANAGEMENT, AND IMPLEMENTATION  
FUND AND PROVIDE SIGNATORY AUTHORITY

1 WHEREAS, about one-third of Idaho's population resides on the Eastern Snake Plain and the  
2 Eastern Snake Plain Aquifer (ESPA) is the sole source of drinking water for both cities and most rural  
3 residents of the Eastern Snake Plain; and  
4

5 WHEREAS, due to numerous factors, including drought, the ESPA has been losing approximately  
6 216,000 acre-feet annually from aquifer storage since the 1950's resulting in declining ground water levels  
7 in the aquifer and reduced spring flows to the Snake River; and  
8

9 WHEREAS, the State Water Plan includes a goal to accomplish managed recharge in the ESPA  
10 averaging 250,000 acre-feet annually; and  
11

12 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136  
13 directing the IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed  
14 recharge to the ESPA by December 31, 2024; and  
15

16 WHEREAS, implementation of managed recharge on the ESPA will meet the goals and objectives  
17 of stabilizing and improving aquifer levels for, among other things, protecting municipal and domestic  
18 drinking water supplies and addressing variability in climatic conditions, including drought; and  
19

20 WHEREAS, Senate Bill 1181 appropriated \$50,000,000 for Fiscal Year 2024 to support projects  
21 managed by the IWRB, including for the continued identification, study, construction, or enlargement of  
22 managed aquifer recharge sites above Milner Dam; and  
23

24 WHEREAS, Idaho Code § 42-1760 authorizes the IWRB to expend, loan, or grant moneys from the  
25 water management account for water projects that conserve or increase water supply, improve drought  
26 resiliency, address water sustainability, or support flood management, including the identification, study,  
27 and construction of managed aquifer recharge sites above Milner dam; and  
28

29 WHEREAS, Butte Market Lake Canal Company ("BMLCC") presented a proposal to IWRB on  
30 January 18, 2024, detailing a System Capacity Improvement Study; and  
31

32 WHEREAS, the System Capacity Improvement Study will contribute the identification, study,  
33 construction, or enlargement of managed aquifer recharge sites above Milner Dam; and  
34

35 WHEREAS, the proposed total cost of BMLCC's System Capacity Improvement Study is \$94,000.  
36

37 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures up to \$94,000 from the  
38 Secondary Aquifer Planning, Management, and Implementation Fund the implementation of the System  
39 Capacity Improvement Study. Further authorizations may be required upon determination of total  
40 development and construction costs; and

Resolution No. 07-2024



41  
42 NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee,  
43 to execute the necessary agreements or contracts for the purpose of this resolution.

DATED this 19th day of January 2024.

  
\_\_\_\_\_  
JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST   
\_\_\_\_\_  
DEAN STEVENSON, Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE EXPANSION OF THE  
POITEVIN INJECTION WELL SITE

RESOLUTION TO APPROVE FUNDS FROM THE  
ARPA STATE FISCAL RECOVERY FUND AND  
PROVIDE SIGNATORY AUTHORITY

1 WHEREAS, about one-third of Idaho's population resides on the Eastern Snake Plain and the  
2 Eastern Snake Plain Aquifer (ESPA) is the sole source of drinking water for both cities and most rural  
3 residents of the Eastern Snake Plain; and  
4

5 WHEREAS, due to numerous factors, including drought, the ESPA has been losing approximately  
6 216,000 acre-feet annually from aquifer storage since the 1950's resulting in declining ground water levels  
7 in the aquifer and reduced spring flows to the Snake River; and  
8

9 WHEREAS, the State Water Plan includes a goal to accomplish managed recharge in the ESPA  
10 averaging 250,000 acre-feet annually; and  
11

12 WHEREAS, the 2016 Idaho Legislature passed and approved Senate Concurrent Resolution 136  
13 directing the IWRB to develop the capacity to achieve 250,000 acre-feet of annual average managed  
14 recharge to the ESPA by December 31, 2024; and  
15

16 WHEREAS, implementation of managed recharge on the ESPA will meet the goals and objectives  
17 of stabilizing and improving aquifer levels for, among other things, protecting municipal and domestic  
18 drinking water supplies and addressing variability in climatic conditions, including drought; and  
19

20 WHEREAS, the American Rescue Plan Act (ARPA), Pub. L. 117-2 subtitle M (2021), appropriated  
21 \$219,800,000,000 to the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) for making payments  
22 to the States to mitigate the fiscal effects stemming from the public health emergency with response to  
23 the Coronavirus disease; and  
24

25 WHEREAS, the SLFRF funds may be used to, among other things, make necessary investments in  
26 water, sewer, or broadband infrastructure. Pub L. 117-2 sec. 602(c)(1)(D), 42 U.S.C. § 802(c)(D); and  
27

28 WHEREAS, eligible uses of the SLFRF include projects that would be eligible to receive financial  
29 assistance through the Clean Water State Revolving Fund (CWSRF), 40 CFR Part 35.3100—35.3170, and  
30 the Drinking Water State Revolving Fund (DWSRF), 40 CFR 35.3520; and  
31

32 WHEREAS, the CWSRF may be used for groundwater projects that protect and restore aquifers,  
33 including aquifer recharge projects; and  
34

35 WHEREAS, the DWSRF can fund aquifer recharge projects such as aquifer storage and recover  
36 wells and water reuse and recycling projects which can replace and offset potable water use and to  
37 develop new sources of water to increase drought resilience; and  
38

39 WHEREAS, in 2022 the Idaho Legislature passed House Bill 769 in which it expressed its intent to  
40 set aside approximately \$250,000,000 of ARPA funding to support projects managed by the IWRB,

41 including for the continued identification, study, construction, or enlargement of managed aquifer  
42 recharge sites above Milner Dam; and  
43

44 WHEREAS, Senate Bill 1181 appropriated \$50,000,000 for Fiscal Year 2024 to support projects  
45 managed by the IWRB, including for the continued identification, study, construction, or enlargement of  
46 managed aquifer recharge sites above Milner Dam; and  
47

48 WHEREAS, Idaho Code § 42-1760 authorizes the IWRB to expend, loan, or grant moneys from the  
49 water management account for water projects that conserve or increase water supply, improve drought  
50 resiliency, address water sustainability, or support flood management, including the identification, study,  
51 and construction of managed aquifer recharge sites above Milner dam; and  
52

53 WHEREAS, Butte-Market Lake Canal Company ("BMLCC") presented a proposal to IWRB on  
54 January 18, 2024, for the Expansion of the Poitevin Injection Well Site recharge sites and infrastructure to  
55 improve recharge capacity for a proposed cost of \$571,000; and  
56

57 WHEREAS, the Expansion of the Poitevin Injection Well Site will contribute to the IWRB goal of  
58 achieving 250,000 acre-feet of annual average managed recharge to the ESPA by December 31, 2024 and  
59 will meet the goals and objectives of stabilizing and improving aquifer levels for, among other things,  
60 protecting municipal and domestic drinking water supplies and addressing variability in climatic  
61 conditions, including drought; and  
62

63 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures up to \$571,000 from  
64 the ARPA State Fiscal Recovery Fund for the development of the Expansion of the Poitevin Injection Well  
65 Site; and  
66

67 NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee,  
68 to execute the necessary agreements or contracts for the purpose of this resolution.

DATED this 19th day of January 2024.

  
JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST   
DEAN STEVENSON, Secretary