

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE SOUTH FORK RECHARGE  
BASIN SITE DEVELOPMENT

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 primary source of drinking water for both cities and most rural  
3 residents of the Eastern Snake Plain; and  
4

5           WHEREAS, numerous factors, including drought, have contributed to the loss of approximately  
6 216,000 acre-feet of storage annually from ESPA since the 1950’s resulting in declining groundwater levels  
7 in the aquifer and reduced spring flows to the Snake River; and  
8

9           WHEREAS, the Idaho 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 assist in the stabilization and  
17 improvement of aquifer levels to protect municipal and domestic drinking water supplies, support  
18 agriculture and other industries important to the state economy, and help address variability in climatic  
19 conditions, including drought; and  
20

21           WHEREAS, the American Rescue Plan Act (ARPA), Pub. L. 117-2 subtitle M (2021), appropriated  
22 \$219,800,000,000 to the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) for making payments to  
23 the States to mitigate the fiscal effects stemming from the public health emergency with response to the  
24 Coronavirus disease; and  
25

26           WHEREAS, the SLFRF funds may be used to, among other things, make necessary investments in  
27 water, sewer, or broadband infrastructure. Pub L. 117-2 sec. 602(c)(1)(D), 42 U.S.C. § 802(c)(D); and  
28

29           WHEREAS, eligible uses of the SLFRF include projects that would be eligible to receive financial  
30 assistance through the Clean Water State Revolving Fund (CWSRF), 40 CFR Part 35.3100—35.3170, and the  
31 Drinking Water State Revolving Fund (DWSRF), 40 CFR 35.3520; and  
32

33           WHEREAS, the CWSRF may be used for groundwater projects that protect and restore aquifers,  
34 including aquifer recharge projects; and  
35

36           WHEREAS, the DWSRF can be used to fund aquifer recharge projects such as aquifer storage and  
37 recovery wells and water reuse and recycling projects to replace and offset potable water use and to  
38 develop new sources of water to increase drought resilience; and  
39

40           WHEREAS, in 2022 the Idaho Legislature passed House Bill 769 in which it expressed its intent to

41 set aside approximately \$250,000,000 of ARPA funding to support projects managed by the IWRB, including  
42 for the continued identification, study, construction, or enlargement of managed aquifer recharge sites  
43 above Milner Dam; and  
44

45 WHEREAS, Senate Bill 1181 appropriated \$50,000,000 for Fiscal Year 2024 to support projects  
46 managed by the IWRB, including for the continued identification, study, construction, or enlargement of  
47 managed aquifer recharge sites above Milner Dam; and  
48

49 WHEREAS, Idaho Code § 42-1760 authorizes the Idaho Water Resource Board (IWRB) to expend,  
50 loan, or grant moneys from the water management account for water projects that conserve or increase  
51 water supply, improve drought resiliency, address water sustainability, or support flood management,  
52 including the identification, study, and construction of managed aquifer recharge sites above Milner dam;  
53 and  
54

55 WHEREAS, on May 19, 2023, the IWRB adopted the Secondary Aquifer Planning, Management,  
56 and Implementation Fund (Secondary Aquifer Fund) Fiscal Year 2024 Budget, which included \$500,000 for  
57 Small Upper Valley Projects and \$1,630,000 reserved for work in Priority Aquifers; and  
58

59 WHEREAS, Progressive Irrigation District (“PID”) presented a proposal to IWRB on January 18, 2024,  
60 for the South Fork Recharge Basin (“Project”) and associated infrastructure for a proposed cost of  
61 \$5,868,000; and  
62

63 WHEREAS, the Project will assist the IWRB to meet the annual recharge goals as defined above;  
64 and  
65

66 WHEREAS, the IWRB is not accountable nor does it bear any responsibility for compliance or  
67 property issues and costs related to the alteration of Willow Creek by PID.  
68

69 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes expenditures up to \$4,240,000 from  
70 the ARPA State Fiscal Recovery Fund or other funds controlled by the IWRB for the development of the  
71 Project. Further authorizations may be required upon determination of total development and  
72 construction costs.  
73

74 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes expenditure of up to \$1,628,000 from  
75 the Secondary Aquifer Fund for the purchase of the land associated with the project.  
76

77 NOW THEREFORE BE IT RESOLVED that the contract between PID and IWRB shall require any profits  
78 from the sale, use of the land, use or sale of the water rights associated with the land, or any other income  
79 derived from the land purchased as part of this Project, be used to offset the cost of the Project or to  
80 reimburse to the IWRB after the Project has been completed. This shall include PID’s use of the land, except  
81 for conducting managed recharge or maintenance and storage facilities directly related to the recharge  
82 basin.  
83

84 NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB will not release funds for this Project  
85 until agreements to deliver recharge water to the 55th Road Recharge Site and this Project are fully  
86 executed including the necessary agreements between PID and the Enterprize Canal Company.

87  
88 NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee, to  
89 execute the necessary agreements or contracts for the purpose of this resolution.

DATED this 5th day of February 2024.

  
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JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

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

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE REGIONAL WATER  
SUSTAINABILITY PRIORITY LIST

RESOLUTION TO APPROVE CONTRACT TERMS  
& CONDITIONS FOR THE LOWER  
CLEARWATER EXCHANGE PROJECT

1           WHEREAS, the Idaho Legislature passed House Bill 769 in 2022 and House Bill 361 in 2023 which  
2 appropriated \$75 Million and \$150 Million respectively to the Idaho Water Resource Board (IWRB) to fund  
3 certain projects eligible for American Rescue Plan Act (ARPA) funding and projects that the IWRB has  
4 identified as high-priority water sustainability projects; and  
5

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

12           WHEREAS, on January 19, 2024 the IWRB passed Resolution No. 06-2024 approving \$1,287,000  
13 in funding to Lewiston Orchards Irrigation District (LOID) to complete 30 percent engineering and design  
14 for the Lower Clearwater Exchange Project (LCEP); and  
15

16           WHEREAS, in its resolution, the IWRB directed staff to work with project sponsors to develop  
17 appropriate contract terms and conditions to be brought back to the IWRB for approval; and  
18

19           WHEREAS, staff has developed proposed the Terms and Conditions for a contract between the  
20 IWRB and LOID to complete the engineering and design work, included as Attachment A to this resolution;  
21 and  
22

23           NOW, THEREFORE BE IT RESOLVED that the IWRB approves the Terms and Conditions for the  
24 Lower Clearwater Exchange as specified in Attachment A to this resolution.  
25

26           NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes the expenditure of up to  
27 \$1,287,000 from the Water Management Account for the Lower Clearwater Exchange Project 30 percent  
28 engineering and design work.  
29

30           NOW, THEREFORE BE IT FURTHER RESOLVED, the contract for this project will also contain  
31 standard IWRB contract conditions and other project-specific Terms and Conditions not identified in this  
32 resolution.  
33

34           NOW, THEREFORE IT BE FURTHER RESOLVED, that the IWRB authorizes its chairman or designee  
35 to execute the necessary agreements or contracts for the purpose of this resolution.  
36

DATED this 5<sup>th</sup> day of February 2024.



Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST



Dean Stevenson, Secretary

# ATTACHMENT A: Terms & Conditions

## Lower Clearwater Exchange Project

**Background:** The Lower Clearwater Exchange Project (LCEP) was initiated to evaluate alternatives to reduce or remove the Lewiston Orchards Irrigation District's (LOID) dependence on surface water diverted and transported on or through the Nez Perce Reservation. The LCEP study was funded through the Bureau of Reclamation (BOR) Water Supply Program and identified four primary alternatives: No Action Alternative, Clearwater River Action Alternative, Snake River Action Alternatives, and Tammany Well Field Alternative. The Tammany Well Field Alternative was ultimately selected by the BOR. The well field alternative assumed four deep-aquifer wells could be drilled and pumped at approximately 2,000 gpm per well in the west part of the LOID system. The wells would pump cross/through the irrigation distribution system to Mann Lake (reservoir "A") for seasonal storage.

Well No. 5 and Well No. 6 (the first two wells of the well field) have since been designed and constructed. During the new well operation, evidence has been collected showing a negative groundwater impact on LOID Well No. 3 and No. 4. Wells No. 3 and No. 4 are major domestic supply wells for the LOID. Due to the negative impact on the domestic supply, LOID is reassessing the LCEP and the viability of the Clearwater River Action Alternative.

**Next Step:** The LOID proposes to further evaluate the 10 percent design options and narrow the design to a 30 percent design level for the Clearwater River Action Alternative. Due to the preliminary stage of the 10% design estimate, there are numerous variables that cannot be determined at this time. Many of these variables will be governed by other agencies such as the Idaho Department of Environmental Quality (DEQ), the BOR, the Environmental Protection Agency (EPA), the Idaho State Historic Preservation, the Nez Perce Tribe Historic Preservation Office, and the United States Army Corp of Engineers (USACE). Most, but not all, of the variables governed by these agencies may change overall project concepts, such as the location of the river intake, pump station, and the environmental regulations the facilities will be required to meet.

To account for the assessed risk, large scale project concepts and specific design elements within each project area will be vetted to the 30 percent design level to provide sufficient information and select a final assumption for the estimate. Once the project assumptions are selected, a more detailed cost estimate will be developed within the assumed design approach.

This work also includes negotiations for easements and access permissions from the Army Corps of Engineers, railroad, and landowners. The BOR and Nez Perce Tribe support additional study of the Pipeline Project. The 30 percent design will also provide information to initiate any necessary environmental and cultural resource work.

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

- This is a cost reimbursement not to exceed Contract where the Board has approved limited funding for the project. The sponsor shall pay the remainder of the project costs.
- 10% holdback on funds until Project Completion Form is submitted.
- When requested by the Board, 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  
EVAPOTRANSPIRATION GROUND-TRUTHING

RESOLUTION TO AUTHORIZE FUNDING  
FOR THE EVAPOTRANSPIRATION  
GROUND-TRUTHING PROJECT

1           WHEREAS, evapotranspiration (ET) is a large component of the Eastern Snake Plain Aquifer  
2 Model and all water budgets built into Idaho Department of Water Resources (IDWR) groundwater  
3 models and other projects; and  
4

5           WHEREAS, the Mapping Evapotranspiration at High Resolution with Internalized Calibration  
6 (METRIC) model has been one of the primary methods employed by IDWR to quantify ET since 2005; and  
7

8           WHEREAS, METRIC ET data have been shown to be higher than many other data sources,  
9 creating uncertainty about the accuracy of these crucial data; and  
10

11           WHEREAS, directly measuring ET in the field will give IDWR a solid basis to verify or improve  
12 METRIC model calibrations or select suitable alternative models; and  
13

14           WHEREAS, on May 31, 2023, IDWR staff presented the Evapotranspiration Ground-Truthing  
15 Project (Project) proposal to measure ET to the IWRB's Aquifer Sustainability Committee; and  
16

17           WHEREAS, the Fiscal Year 2024 Budget Resolution for the IWRB's Secondary Aquifer Planning,  
18 Management, and Implementation Fund (Fiscal Year Budget Resolution) included \$1,000,000 in funds  
19 for the proposed Project but required an additional resolution approval by the IWRB to authorize  
20 expenditure of the funds; and  
21

22           WHEREAS, IDWR staff and the Division of Purchasing published a request for proposal (RFP) on  
23 November 28, 2023 for a contractor to conduct the Project. They are prepared to award the contract pending  
24 approval by the IWRB to utilize budgeted funds; and  
25

26           WHEREAS, the Project will be completed over four years and will include the following: 1) purchasing  
27 and installing three ET measurement stations, 2) collecting data for three full growing seasons, and 3)  
28 comparing the ground-truth data to a collection of satellite-based ET models; and  
29

30           NOW, THEREFORE, BE IT RESOLVED that the IWRB authorizes the expenditure of up to \$1,000,000  
31 from the IWRB's Secondary Aquifer Planning, Management, and Implementation Fund for the completion of  
32 the Evapotranspiration Ground-Truthing Project.  
33


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

Dated this 5<sup>th</sup> day of February 2024





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

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