

BEFORE THE IDAHO WATER RESOURCE BOARD

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

Resolution Appointing Hearing Officer

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

5  
6 WHEREAS, on May 17, 2019, IDWR issued a Conditional Approval of Joint Application for Permits  
7 (S37-20565) ("Permit"); and

8  
9 WHEREAS, Hastings requested a hearing before the Idaho Water Resource Board ("IWRB") on  
10 IDWR's conditional approval; and

11  
12 WHEREAS, IDWR and Hastings were in discussions on the conditional terms of the Permit and  
13 reached an impasse in late 2021, and IDWR asked the IWRB to appoint a hearing officer;

14  
15 WHEREAS, the IWRB appointed Shelley Keen as hearing officer at its November 19, 2021 meeting  
16 and Hastings disqualified Mr. Keen as a hearing officer;

17  
18 WHEREAS, Hastings initiated court proceedings against IDWR related to the matter in November  
19 2021;

20 WHEREAS, the court proceedings have reached a resolution such that another hearing officer  
21 needs to be appointed to issue a recommended order or preliminary order in accordance with Idaho Code  
22 §§ 67-5243(1) and 67-5248;

23  
24 NOW THEREFORE BE IT RESOLVED, the IWRB hereby appoints Pete Wood, an independent  
25 hearing officer on contract with IDWR, to serve as the hearing officer in the above captioned matter.

DATED this 26th day of July 2024.



JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST   
DEAN STEVENSON, Secretary

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF FLOOD  
MANAGEMENT GRANTS

RESOLUTION TO AWARD 2025 FUNDS

1           WHEREAS, Senate Bill 1269 passed and approved by the Idaho Legislature in 2024,  
2 transferred \$1,000,000 from the General Fund to the Water Management Account for a Flood  
3 Management Grant Program administered by the Idaho Water Resources Board (IWRB) to be  
4 used for the purpose of flood-damaged stream channel repair, stream channel improvement,  
5 flood risk reduction, or flood prevention projects; and  
6

7           WHEREAS, Senate Bill 1269 directs the IWRB to prioritize projects on a competitive  
8 statewide basis; and  
9

10           WHEREAS, on March 31, 2023, the IWRB adopted on-going criteria for the award of Flood  
11 Management Grants, and  
12

13           WHEREAS, ten (10) Flood Management Grant applications were received by the deadline  
14 of Friday June 7, 2024, and the applications were evaluated, scored and ranked according to the  
15 criteria adopted by IWRB; and  
16

17           WHEREAS, on July 16, 2024, the Finance Committee met and discussed the projects, and  
18 recommended the IWRB approve Flood Management Grant awards as specified in Attachment A  
19 to this resolution; and  
20

21           NOW, THEREFORE BE IT RESOLVED, that funding for the City of Nampa Drain Recharge  
22 and Floodwater Storage Study (Study) is approved as specified in Attachment A to this resolution  
23 subject to the following conditions:

- 24           1. The Study shall incorporate information generated through completed and ongoing  
25 IWRB funded studies, including those related to aquifer recharge and drain flow, to  
26 avoid duplication of effort and optimize use of funds.  
27           2. The Study shall evaluate only water delivery systems for which analysis of potential  
28 future use has been approved by the system owners.  
29           3. IDWR staff will review and confirm that the Study scope of work complies with  
30 conditions 1 and 2 above prior to disbursement of funds.  
31

32           NOW, THEREFORE BE IT FURTHER RESOLVED, that the IWRB approves the award of Flood  
33 Management Grants from the Water Management Account for all other applications as specified  
34 in Attachment A to this resolution.  
35

36 NOW, THEREFORE BE IT FURTHER RESOLVED, the contracts for Flood Management Grant  
37 projects will also contain standard IWRB contract conditions and other project-specific Terms and  
38 Conditions not specified in this resolution

39  
40 NOW, THEREFORE BE IT FURTHER RESOLVED, that the IWRB authorizes its chairman or  
41 designee to execute the necessary agreements or contracts for the purpose of this resolution.  
42

DATED this 26<sup>th</sup> day of July 2024.



Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST

  
Dean Stevenson, Secretary

## Attachment A: FY 2025 Flood Management Grant Applications

Rank	Score (135 Points)	Entity	Project	Total Project Costs	Funds Requested
1	111	Portneuf SWCD	Dempsey Creek Crossing Replacement	\$196,413.00	\$98,206.50
2	107	Clearwater SWCD	Jim Ford Crossing Replacement	\$234,670.00	\$117,333.00
3	106	Clearwater SWCD	Casey Creek Crossing Replacement	\$44,102.00	\$21,224.00
4	98	City of Boise	Seven Suckers Bank Stabilization and Weir Diversion Project	\$396,244.00	\$198,122.00
5	98	Twin Lakes Rathdrum Creek FCD17	Rathdrum Creek Stream Repair	\$17,000.00	\$6,800.00
6	96	Adams SWCD	Thorn Creek Culvert Replacement	\$55,780.60	\$27,126.00
7	78	Madison County	Teton River Diversion Design Enhancement Study	\$35,535.00	\$17,767.00
8	76	Boise River FCD10	Mulchay Property Bank Stabilization	\$103,950.00	\$51,975.00
9	76	Boise River FCD10	Randy Wood Property Bank Stabilization	\$87,500.00	\$43,750.00
10	75	City of Nampa	Drain Recharge and Floodwater Storage Study	\$240,000.00	\$120,000.00
<b>Total Funds Requested</b>					<b>\$702,303.50</b>

**Funds to be awarded per IWRB District:**

**District 1:** \$145,357.00  
**District 2:** \$440,973.00  
**District 4:** \$115,973.50  
**Total:** \$702,303.50

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF GROUNDWATER TO  
SURFACE WATER CONVERSION GRANTS

RESOLUTION TO ADOPT CRITERIA

1           WHEREAS, the Idaho Water Resource Board (IWRB) on July 1, 2024 adopted a resolution  
2 (resolution # 32-2024); modifying the spending plan for the Water Management Account; and  
3

4           WHEREAS, the IWRB's modified spending plan included a budget of \$20,000,000 for a  
5 Groundwater to Surface Conversion Projects Grant Program; and  
6

7           WHEREAS, staff developed criteria for the award of Groundwater to Surface Water  
8 Grants; and  
9

10           WHEREAS, on July 16, 2024 the IWRB's Finance Committee met to discuss the proposed  
11 Groundwater to Surface Water Conversion Grant criteria developed by staff. The Finance  
12 Committee recommended the attached criteria be adopted by the IWRB; and  
13

14           NOW, THEREFORE BE IT RESOLVED that the IWRB adopts the attached criteria for the  
15 award of Groundwater to Surface Water Grants from the Water Management Account.  
16

DATED this 26<sup>th</sup> day of July 2024.

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

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

## Groundwater to Surface Water Conversion Grant Criteria

The Idaho Water Resource Board (IWRB) is offering grant funding to be used for water projects targeted at converting lands irrigated from groundwater to surface water irrigation (Conversion Projects). The IWRB has developed these criteria to provide financial assistance on a statewide basis.

**Eligible Projects:** Projects located in eligible geographic areas that propose to convert from groundwater to surface water irrigation. Hard Conversions are projects that would permanently convert to the use of surface water. Soft Conversions projects would partially convert to the use of surface water but may have to use groundwater when surface water is not available.

**Eligible Entities:** Groundwater Districts, Irrigation Districts, Irrigation Boards of Control, Canal Companies. Individuals must apply through one of the eligible entities.

**Eligible Geographic Area:** Statewide basins that have been designated Critical Groundwater Areas and Groundwater Management Areas under Code Title 42, Chapter 233a and 233b

**Grant Award Limit:** \$5 million per application (IWRB reserves the right to fully allocate the total budget among the applicants)

**Total Budget:** \$20 million total funds available

### Grant Considerations:

- IWRB grant portion cannot exceed 1/2 (50%) of total project costs for soft conversions. IWRB grant portion cannot exceed 3/4 (75%) of total project costs for hard conversions.
- Must agree to cease pumping the proposed portion of groundwater related to project and that delivered conversion water will be used only on lands with an existing groundwater right tied to this project. Groundwater rights previously used on the conversion project lands cannot be put in the Water Bank for lease.
- Conversions projects are required to be at least 80% efficient (for every acre-ft of conversion water they receive, must be able to measure and record 0.8 acre-ft of groundwater savings based on their historic baseline pumping.)
- If project construction is underway or completed by the application deadline the project is not eligible for this funding opportunity.

**Grant Application Requirements:** Grant applications will require the applicant to provide the following information:

- Project background (infrastructure description, repair, rehabilitation, improvement needs/objectives/benefits)
- Project sponsor description (organization type, background, revenue sources, current operations)
- Project description (narrative, map, 30% design plans and cost estimates, land entitlements at project location, description of any known environmental issues).

- Project budget and implementation schedule
- Project funding sources (IWRB grant, other state and federal grants, sponsor's contribution)
- If not directly diverting from a river, documentation is required from Irrigation District/Canal Company of support for the project and agreement to deliver the surface water supply for the conversion project, and documentation of long-term leases, storage water, existing shares, etc. to support the proposed project. Documentation should address the term of the surface water delivery agreement and how often water will be available to support the project.
- Documentation from Groundwater District of support for the project and agreement to administer the pumping reduction.

**Evaluation Criteria:** To maximize the effective and efficient use of available funds, grant applications submitted by eligible entities for eligible projects will be evaluated, scored (*100-point scale*), and ranked according to the following criteria. Project scoring will be used to prioritize funding. Applications shall discuss how the project under consideration meets the evaluation criteria.

Benefits/Effectiveness (Up to 75 points)

- Project with a greater percentage of pumping offset will receive more points (up to 15 points)
- What is the reduction in average annual groundwater pumping in acre-feet associated with this project? (Up to 10 points)
- What is the dependability and duration of the water supply? (up to 5 points)
- Application has demonstrated aquifer storage benefits and/or reach gain benefits associated with the project? Applicants should submit modeling results to support their claims. (up to 20 points)
- Does the project involve multiple entities, or is the project regionally focused? (up to 5 points)
- Does the project have a recharge component? (up to 10 points)
- More points for conversions that are greater than 85% efficient. (up to 10 points)

Project Proposal Clarity and Detail (up to 15 points)

- Clarity and detail of project proposal: need, description, budget and benefits (*up to 5 points*)
- Plans and specifications included with the grant application (*up to 5 points*)
- Description of the personnel (sponsor employees, contractors and/or volunteers) that will plan, design, construct and implement the proposed project (descriptions may include the number, qualifications (resumes if applicable) and time of personnel that will be involved in the project. (*up to 5 points*)

Urgency of Project (up to 10 points)

- Urgency of the project (up to 10 points)

**Grant Process:**

- Applicants will create their own application document. The application document will address the grant application requirements and the evaluation criteria listed above.
- Submit applications to [IWRBGrants@idwr.idaho.gov](mailto:IWRBGrants@idwr.idaho.gov) by due date
- IWRB staff will evaluate and make project funding recommendations to IWRB Finance Committee.
- IWRB reviews Finance Committee recommendations and makes grant funding awards
- IWRB staff will notify project applicants of grant approval
- Grant contracts between the IWRB and project sponsors will be developed and executed following IWRB funding awards
- Costs incurred after the date of IWRB grant funding award are eligible for reimbursement. Reimbursement requests can be made once a cost-reimbursement contract is established between Sponsor and IWRB. No reimbursement will be made until the contracts are fully executed. Projects completed prior to a contract being established are not eligible for reimbursement.
- During and/or after project implementation, IWRB will distribute and/or reimburse grantees for projects costs per those contracts. Grant reimbursement requests should be sent to [IdwrPayable@idwr.idaho.gov](mailto:IdwrPayable@idwr.idaho.gov)
- Additional funding rounds will be held if more funding becomes available