



# AGENDA

## IDAHO WATER RESOURCE BOARD

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Finance Committee Meeting No. 4-24

Monday, July 1, 2024

10:00 a.m. (MT) / 9:00 a.m. (PT)

**Brad Little**

*Governor*

**Jeff Raybould**

*Chairman*

St. Anthony

At Large

**Jo Ann Cole-Hansen**

*Vice Chair*

Lewiston

At Large

**Dean Stevenson**

*Secretary*

Paul

District 3

**Dale Van Stone**

Hope

District 1

**Albert Barker**

Boise

District 2

**Brian Olmstead**

Twin Falls

At Large

**Marcus Gibbs**

Grace

District 4

**Patrick McMahon**

Sun Valley

At Large

Idaho Water Center  
Conference Rooms 602 C & D  
322 E. Front St.  
BOISE

Livestream available at <https://www.youtube.com/@iwrp>

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1. Introductions and Attendance
2. Water Management Account and ARPA Spending Plans\*
3. Lewiston Orchards Exchange Project Funding Proposal\*
4. New York Canal Rehabilitation Project Updated Funding Proposal\*
5. Other Items
6. Adjourn

Committee Members: Chair Jo Ann Cole-Hansen, Jeff Raybould, Marc Gibbs, Dale Van Stone, and Dean Stevenson.

\* Action Item: A vote regarding this item may be made at this meeting. Identifying an item as an action item on the agenda does not require a vote to be taken on the item.

#### Americans with Disabilities

The meeting will be held in person and online. If you require special accommodations to attend, participate in, or understand the meeting, please make advance arrangements by contacting Department staff by email [jennifer.strange@idwr.idaho.gov](mailto:jennifer.strange@idwr.idaho.gov) or by phone at (208) 287-4800.

# Memorandum

**To:** Idaho Water Resource Board (IWRB) Finance Committee

**From:** Cynthia Bridge Clark

**Date:** June 27, 2024

**Re:** FY 2025 Water Management Account (WMA) and American Rescue Plan Act Funds (ARPA) Spending Plans



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**REQUIRED ACTION:** Finance Committee will consider recommendation of a final spending plan for the ARPA funds and FY 2025 spending plan for WMA funds.

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The IWRB has developed spending plans to direct funding appropriated for regional water sustainability projects, grants, and loans. These projects are supported with state general funds, ARPA funds, and other sources. Since the 2019, the Idaho Legislature has appropriated a total of \$325 million (excluding interest) to the IWRB's Water Management Account (WMA) and has set aside approximately \$250 million of the State's ARPA funding to support IWRB approved projects.

The IWRB maintains a Regional Water Sustainability Projects Priority List to help guide spending for projects that support water supply sustainability on a regional, basin, or statewide scale in accordance with legislative direction. In addition, the IWRB has implemented an Aging Infrastructure Grant program that utilizes appropriations to the WMA as directed by the legislature. The IWRB has obligated approximately \$171 million for Regional Water Sustainability projects, awarded over \$68.7 million for Aging Infrastructure Grants, and committed approximately \$20.8 million in loans, for a total of over \$260 million. The IWRB has also received other project proposals for which funding has not yet been approved.

For the anticipated ARPA funding, the IWRB developed a spending plan for over \$238 million and has obligated over \$160 million through IWRB resolutions. Federal ARPA guidance requires that the funds are obligated and under contract by December 31, 2024, and funds must be expended prior to December 31, 2026.

The Finance Committee met on May 13, 2024, to review the spending plans for both the WMA and the ARPA funding. It will reconvene on July 1, 2024, to revise the plans based on updated project costs and spending schedules and to finalize the obligation of all the anticipated ARPA funding to meet Federal spending requirements.

The Finance Committee will also consider additional ARPA funding requests for two projects on the Regional Water Sustainability Projects List:

1. The IWRB approved \$25 million for the New York Canal Rehabilitation/Lining Project. The project sponsor, the Boise Project Board of Control (BPBC), requested an additional \$50 million to complete the project based on increased construction bid estimates.
2. The IWRB approved \$1.287 million from the Water Management Account to complete 30% engineering design for the Lewiston Orchards Exchange Project (LOEP), sponsored by the Lewiston Orchards Irrigation District (LOID). LOID submitted a request to the IWRB to authorize \$25 million of ARPA funding for the construction of the LOEP, and letters of support from the US Bureau of Reclamation and Nez Perce Tribe for the LOEP.

The attached Draft spending plans have not been approved by the Committee but are provided for discussion purposes.

**ATTACHMENT(S)**

- Draft Spending Plans for the WMA and ARPA Funding

**Idaho Water Resource Board - DRAFT FY 2025 Spending Plan**  
**Water Management Account**

*(Obligations as of May 24, 2024)*

**Appropriations**

FY 2020 (HB 285, Sec 1, Leg 2019)	\$20,000,000
FY 2022 (SB 1121, Sec 1, Leg 2021)	\$50,000,000
FY 2023 (HB 769, Sec 6, Leg 2022 - 1/3 or \$25M to be used for AI Grants)	\$75,000,000
FY 2024 (HB 361, Sec 1, Leg 2023 - 1/3 or \$50M to be used for AI Grants)	\$150,000,000
FY 2025 (SB 1411, Sec 3 - Receive after July 1, 2024)	\$30,000,000
Interest Earned (FY2024)	\$11,777,410

**Total Appropriations: \$336,777,410**

Regional Water Sustainability Projects & Other Large Projects	Obligated *	Revised Spending Plan
Anderson Ranch Dam Raise **	\$17,600,000	\$10,000,000
Bear Lake Additional Storage	\$2,000,000	\$2,000,000
City of Gooding - Little Wood River Channel Flood Control Project	\$4,000,000	\$4,000,000
City of Nampa Wastewater-to-Irrigation Reuse	\$3,000,000	\$3,000,000
Dworshak/Clearwater Pipeline (Governor's Initiative)	\$70,000,000	\$70,000,000
Statewide Recharge Infrastructure **	\$22,400,000	\$40,000,000
Lewiston Orchards Exchange Project **	\$1,287,000	\$1,287,000
Lost Valley Reservoir Enlargement - Planning	\$560,000	\$560,000
Mountain Home Air Force Base Water Resilience Project **	\$28,000,000	\$10,000,000
North Fremont Canal Systems Phase 5 Pipeline Project	\$7,811,056	\$7,811,056
Palouse Basin Aquifer Water Supply Planning	\$182,500	\$5,000,000
Priest Lake Water Management Project ***	\$5,420,000	\$5,420,000
Priest Lake Outlet Dam Litigation	\$1,465,000	\$1,465,000
Raft River Pipeline Project	\$7,000,000	\$7,000,000
Treasure Valley Drains Monitoring	\$155,500	\$155,500
Upper Payette Basin Storage Water	\$0	\$5,000,000
<b>Total:</b>	<b>\$170,881,056</b>	<b>\$172,698,556</b>

Aging Infrastructure Grants (\$75M Appropriated for program)	Obligated *	Revised Spending Plan
Round 1	\$12,500,000	\$12,500,000
Round 2	\$12,500,000	\$12,500,000
Round 3	\$11,083,621	\$11,083,621
Round 4	\$7,678,350	\$7,678,350
Round 5 (scheduled FY 2025 - Legislative Direction HB 361, FY 2023)	\$12,500,000	\$12,500,000
Round 6 (scheduled FY 2026 - Legislative Direction HB 361, FY 2023)	\$12,500,000	\$12,500,000
Round 7 (scheduled FY 2026 - Legislative Direction HB 361, FY 2023)	\$0	\$6,238,029
<b>Total:</b>	<b>\$68,761,971</b>	<b>\$75,000,000</b>

Loans	Obligated *	Revised Spending Plan
Loans Committed (Funds will be recovered and available for reallocation)	\$20,996,333	\$20,996,333

<b>Other Potential Needs (Review with IWRB)</b>	<b>Obligated *</b>	<b>Revised Spending Plan</b>
Groundwater to Surface Water Conversion Projects Grant Program	\$0	\$20,000,000
Efficiency and Capacity Improvements to Canal Systems Grant	\$0	\$20,000,000
Statewide Monitoring and Measurement Grant Program	\$0	\$10,000,000
Other Regional Sustainability Projects, Loans, or Grants	\$0	\$18,082,521
		<b>\$68,082,521</b>

<b>Grand Total:</b>	<b>\$260,639,360</b>	<b>\$336,777,410</b>
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<b>Available Remaining after Commitments:</b>	<b>\$76,138,050</b>	<b>\$0</b>
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\* *Funding has been obligated through IWRB resolution.*

\*\* *Potential ARPA-Eligible Project*

\*\*\* *Part of the Priest Lake project funded through the Revolving Development Account*

**Idaho Water Resource Board - DRAFT FY 2025 Spending Plan**  
**American Rescue Plan Act Funds (ARPA) \***  
*(Obligations as of May 24, 2024)*

<b>Appropriations</b>	<b>Appropriations</b>	<b>Cash Received</b>
FY 2023 (HB 769, Sec 8, Leg 2022)	\$100,000,000	\$100,000,000
FY 2024 (SB 1181, Sec 6 & Supp SB 1411, Sec 5; Leg 2023)	\$50,000,000	\$50,000,000
FY 2025 (SB 1269 and Supp SB 1411, Sec 5 & 7, Leg 2024)	\$50,000,000	\$50,000,000
Scheduled FY 2026	\$50,000,000	
<b>Total Received and Scheduled through FY 25:</b>	<b>\$200,000,000</b>	<b>\$200,000,000</b>
<b>Total Received and Scheduled through FY 26:</b>	<b>\$250,000,000</b>	

Regional Water Sustainability Projects	Spending Plan	Obligated **	Revised Spending Plan
Anderson Ranch Dam Raise Funding	\$125,000,000	\$72,900,000	\$112,500,000
Mountain Home Air Force Base Water Resilience Project	\$61,000,000	\$35,000,000	\$33,000,000
Eastern Snake Plain Aquifer Recharge Infrastructure	\$14,873,047	\$14,873,047	\$14,000,000
American Falls Dam Spillway Repair	\$12,500,000	\$12,500,000	\$12,500,000
New York Canal Rehabilitation Project	\$25,000,000	\$25,000,000	\$50,000,000
Lewiston Orchards Exchange Project	\$0	\$0	\$28,000,000
<b>Total:</b>	<b>\$238,373,047</b>	<b>\$160,273,047</b>	<b>\$250,000,000</b>

<b>Remainder of \$250M Legislative Appropriation Commitment:</b>	<b>\$11,626,953</b>	<b>\$89,726,953</b>	<b>\$0</b>
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\* ARPA Funds must be obligated and under contract by December 31, 2024. Funds must be spent by December 31, 2026.

\*\* Funding has been obligated through IWRB resolution.

# MEMO



**To:** Idaho Water Resource Board  
**From:** Neeley Miller, Planning & Projects Bureau  
**Date:** June 27, 2024  
**Subject:** Lower Clearwater Exchange Project

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**REQUIRED ACTION:** Recommendation to IWRB regarding LOID ARPA funding request and proposed terms and conditions for the Lower Clearwater Exchange Project

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## Background

In July 2021 the IWRB adopted an initial Regional Water Sustainability Priority List to help guide the Idaho Water Resource Board's (IWRB's) spending for large, regional water sustainability projects from American Rescue Plan Act funds, state general funds, or other applicable sources. The initial Regional Water Sustainability Priority list included a project associated with the exchange of Lewiston Orchards Irrigation District's (LOID) surface water. The IWRB chose to keep the Project on the list in response to a November 28, 2022 request from LOID.

On December 4, 2023, LOID submitted a request for \$1,287,000 to fund a 30 percent engineering and design study. LOID representatives provided a presentation on the funding request at the IWRB's January 11, 2023 Finance Committee.

In February 2024 the IWRB passed resolution no. 10-2024, authorizing \$1,287,000 in funding to complete the engineering and design study for the Project. In that resolution, the IWRB specified terms and conditions for the design work.

## Next Steps

On May 20<sup>th</sup> 2024 LOID submitted a letter requesting \$25,000,000 in ARPA funding for the construction of the Lower Clearwater Exchange Project. Total construction costs are estimated at \$60,000,000. LOID has also submitted letters of support from the Bureau of Reclamation (with 50% cost-share commitment) and the Nez Perce Tribe.

A draft resolution to authorize ARPA funding and approve contract terms and conditions for the construction of the Lower Clearwater Exchange Project is attached.

## Attachment(s)

LOID Funding Request Letter  
BOR Support Letter  
NPT Support Letter  
Funding Resolution with Terms and Conditions



May 20, 2024

Idaho Water Resource Board  
Attn: Neeley Miller  
PO Box 83720  
Boise, ID 83720

RE: IWRB Regional Water Sustainability Priority List Funding Request

Dear Neeley:

The Lewiston Orchards Irrigation District (LOID) is requesting \$25,000,000 from any remaining available ARPA funds for the construction of the Lewiston Orchards Exchange Project (LOEP).

The concept level cost estimate is \$60,498,000 as reported on page 5-1 of the attached Clearwater River Pump Station Design Concept Technical Report. This cost estimate was developed in 2022, during a period of high volatility in material costs.

A project description along with a J-U-B Engineers, Inc. stamped copy of the complete Clearwater River Pump Station Design Concept Technical Report are attached. The LOID is actively engaged in an engineering design to further refine the costs and obtain the required permits and easements to move forward. The LOID graciously thanks the IWRB for funding \$1,287,000 to move the engineering design to the 30% design level. Work is expected to be completed by winter 2024.

The Lewiston Orchards Exchange Project is on the IWRB's Regional Water Sustainability Priority List. We understand that is not a guarantee of funding; however, LOID would appreciate any funding that helps move this project to completion. The Lewiston Orchards Project (LOP) relies on water that passes through the Nez Perce Reservation, impacting endangered anadromous fish, water quality and tribal needs and uses. LOID delivers this water to patrons within the Irrigation District.

The project includes building a water intake on the lower Clearwater River, a pump station and piping to deliver 18 cfs to Reservoir A (Mann Lake), a storage reservoir on the Reservation, just to the east of Lewiston Orchards. The project is necessary as a replacement water supply for Reclamation's LOP. The previous path of an irrigation well field has proven to be unsustainable.



By providing funding, the Board would help resolve irrigation water supply issues, endangered species issues, tribal trust issues, and reduce the declining impact to the regional aquifer.

Sincerely,

Eugene B. 

Eugene Barney Metz  
General Manager  
Lewiston Orchards Irrigation District

Attachments

## PROJECT BACKGROUND

- The Lewiston Orchards Irrigation District (LOID) manages the Lewiston Orchards Project (LOP) for the Bureau of Reclamation (RECLAMATION).
- The LOP diverts water from the Lapwai Creek watershed, particularly Sweetwater and Webb Creeks, for irrigation of 3848 acres in the Lewiston Orchards and serves approximately 22,000 people.
- Sweetwater Creek is used for spawning and rearing by ESA-listed Snake River A-run steelhead, reintroduced Coho salmon, spring Chinook salmon, and ten resident fish species and runs through the Nez Perce Reservation.
- The Nez Perce Tribe (NPT) sued the RECLAMATION for LOP water diversions from Sweetwater Creek to the Lewiston Orchards under the Endangered Species Act.
- A group of stakeholders was formed to address issues related to the LOP. The group is called the Lower Clearwater Exchange Project (LCEP) stakeholder group and consists of the LOID, the Nez Perce Tribe (Tribe), the County of Nez Perce, Idaho, the City of Lewiston, Idaho, and the Lewis Clark Valley Chamber of Commerce.
- In July 2009, the LCEP stakeholders formalized their project purposes and objectives by signing a Memorandum of Understanding (MOU). The LCEP MOU identifies three key objectives:
  - Creation of a reliable quantity and quality water supply for LOID
  - Permanent resolution of the ESA issues surrounding the LOP
  - Permanent resolution of Federal/Tribal Trust issues surrounding the LOP.
- In 2012, an LCEP appraisal study identified a reliable water exchange source using a pumping station on the lower Clearwater River, a pumping station on the Snake River, and a well field located near Tammany Creek. RECLAMATION proposed a Pilot Well due to incremental funding availability from RECLAMATION, and the ability to leave water in Sweetwater and Webb Creeks incrementally as each well came online.
- The Pilot Well was completed in 2017 and produced 2,000 gallons per minute. As part of the agreement, LOID left 4.5 cfs in the streams for fish. The well performed without any noticeable decline in the aquifer.
- Construction of a second well started in 2018 and began production in June 2022. This well also produced 2,000 gallons per minute, similar to the Pilot Well. Unfortunately, the District experienced an impact. The water level in one of LOID's domestic wells significantly dropped when the two irrigation wells were in production. This caused the shutdown of a domestic well during a time when the water was greatly needed (during a period of extreme drought).
- With only half of the LOP's full negotiated water right realized, 4,250 acre feet (the full negotiated replacement water right is 8,500 acre feet), the well field concept may no longer be considered a reliable replacement system for the LOP.
- The LCEP stakeholders would like to return to the original water exchange source of utilizing surface water from the lower Clearwater River.

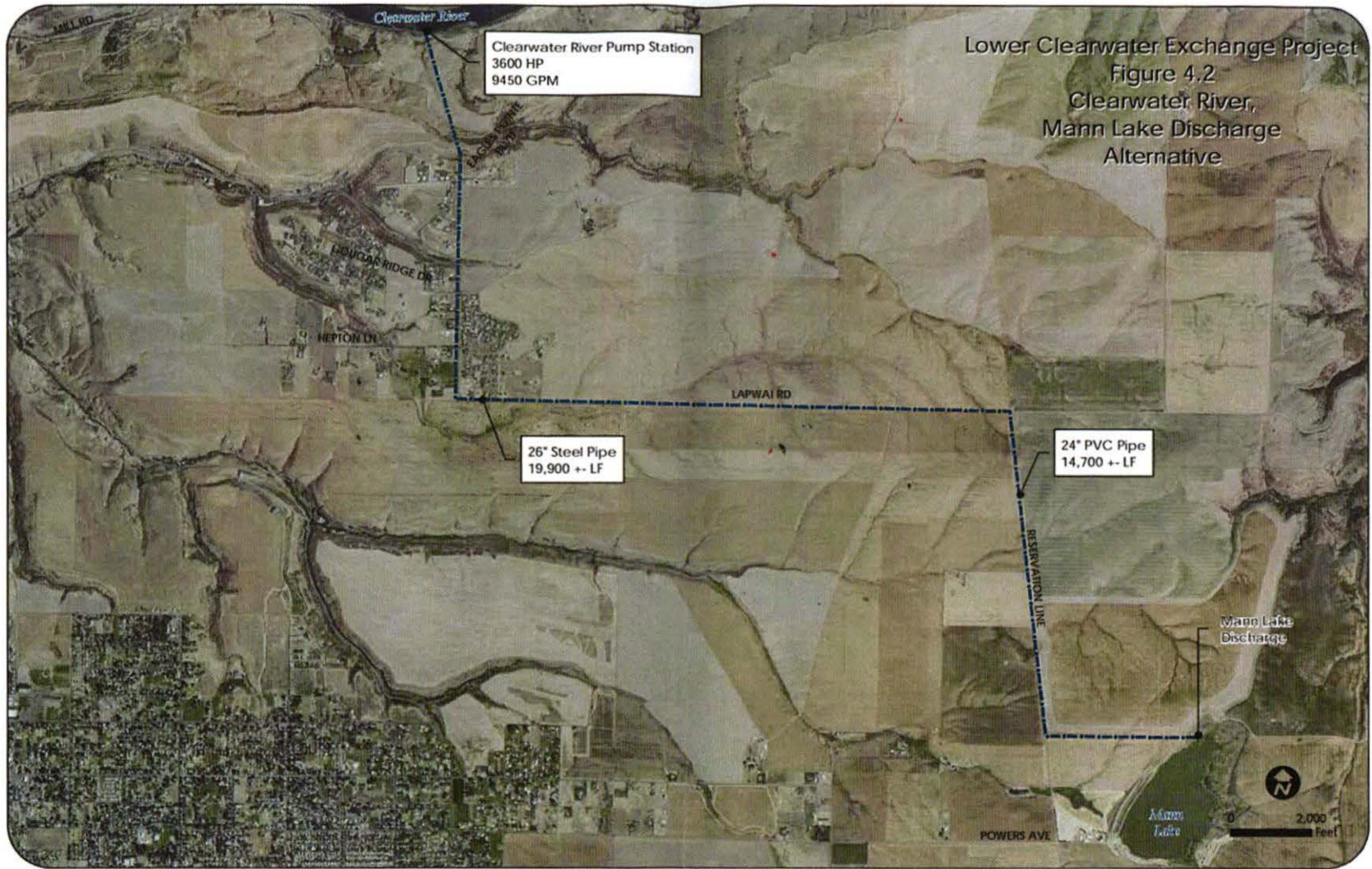
## PROJECT SPONSOR

The Lewiston Orchards Irrigation District (LOID) is the project sponsor. LOID is a special government district formed to distribute water to users within the Lewiston Orchards Project (LOP). The LOP is a Bureau of Reclamation Project. As a RECLAMATION project, the LCEP qualifies for the use of ARPA funds.

## PROJECT DESCRIPTION

- Pumping station out of the lower Clearwater River.
- Either change the point of diversion for natural flow water right to the Clearwater River or apply for new water right.
- Pump 18 cfs. – 8500 AF per year from the Clearwater River.
- Storage water rights would transfer to the Nez Perce Tribe.
- Install 7.5 miles of 24" pipe to Reservoir A (Mann Lake).
- Reservoir A sits on the NPT Reservation. Ownership of Reservoir A will transfer to the NPT.
- LOID will continue to use Reservoir A as a storage reservoir for the Irrigation District.
- Once the replacement water supply is secure, LOID would participate in a title transfer transaction with RECLAMATION, divesting itself from RECLAMATION.

# MAP OF PROJECT AREA



**Key Concepts:**

- Elimination of adverse effects on ESA-listed Snake River A-run steelhead, and restoration of ESA-designated critical habitat in the Lower Lapwai Creek Basin, tributary to the Clearwater River above Lewiston, Idaho.
- Creation of a drought resistant reliable quality and quantity of water for 22,000 Lewiston Orchards Irrigation District (LOID) patrons.
- Settlement/resolution of legal claims by the Nez Perce Tribe and its people, including long-term impacts to natural resources and to cultural and religious water uses, resulting from the predominant location of the current federal Lewiston Orchards Project (LOP) on the Nez Perce Reservation; as well as unlawful takings of Indian trust lands from the Tribe and its members in the origins of the LOP.
- Elimination of potentially \$30 million in future repairs to aging LOP infrastructure.

**Ecological Benefits:**

- The Lapwai Creek watershed is currently used for spawning and rearing by ESA-listed Snake River A-run steelhead, Coho salmon, and ten resident fish species. (Chinook salmon juveniles have been captured within the Lapwai Creek watershed, although adult spawning activity has not been recently recorded.)
- The Lewiston Orchards Water Exchange would allow steelhead and salmon to access an additional nineteen miles of spawning and rearing critical habitat currently blocked by a current federal Lewiston Orchards Project (LOP) diversion dam. (In total, 43 stream miles of ESA-designated critical habitat are presently impaired by the existing diversion project and would be restored.) The total watershed acreage presently drained by diversion-affected streams is 61,325 acres.
- Lake Waha, used as part of the LOP system and unique to the lower Clearwater River, has no natural outlet. Instead, the lake provides groundwater connectivity and year-round cold water flows to Sweetwater Springs. Sweetwater Springs is anticipated to contribute 3-10 cubic feet per second (cfs) flows at 50-degrees Fahrenheit, under restored natural lake elevation fluctuations.
- Because of the unique hydrologic characteristics of Sweetwater Springs, with unusually large amounts of discharge of cold water in the summer, the biological value of Sweetwater Creek for steelhead is very high in relation to all other streams in the lower Clearwater River basin.
- Soldiers Meadow Reservoir, total storage capacity 2,370 acre-feet, would be used to maximize ESA-designated critical habitat in Webb, Sweetwater, and Lapwai Creeks. Additionally, water released from Soldiers Meadow Reservoir in the summer averages 50 degree Fahrenheit.

- 10,500 acre-feet of stored water rights in Sweetwater and Webb Creeks will be transferred to uses that will maximize ESA-designated critical habitat in Sweetwater, Webb, and Lapwai Creeks.
- 55 cfs of natural flow diversion to storage will be transferred to uses that will restore Sweetwater Creek and Lapwai Creek.
- A reliable, quality water supply will be provided for 22,000 LOID/Lewiston citizens, covering 3,848 acres.

**Mediation:**

- RECLAMATION agreed to replace the water supply from the Craig Mountain Watershed that fed Sweetwater Creek, the point of diversion for the LOP. In exchange, the LOID would agree to transfer the title of the irrigation works to the NPT.
- In September 2011, an appraisal study was completed by the LCEP stakeholders that identified multiple water supply alternatives, including surface pumping from the Snake and Clearwater Rivers, and wells from the deep Lewiston Basin Aquifer.
- Surface pumping from the Clearwater River was the preferred alternative, but the timeline for the Federal budget process proved to be many years out with little or no guarantees.
- The wellfield alternative allowed for incremental financial support from RECLAMATION, and incremental water replacement. For each 2000 gallon per minute well online, 4.5 cfs could remain in the stream.

**Course Correction Needed:**

- After two wells came online, the LOID saw impacts to existing domestic water wells in the summer of 2022.
- The wells are expensive and no guarantee that LOID’s water right will be replaced with four wells.
- The wells tap into the regional aquifer that is also used by the City of Lewiston, the Asotin County PUD, and various developments in Nez Perce County.
- A recent decline in the aquifer has been noted per an Idaho Department of Water Resource Hydrogeologist

In short, the wellfield concept is an unreliable source of irrigation water as a replacement system, and the number of wells needed to achieve LOID’s full water right of 8,500 acre feet is unknown. The Clearwater River would provide a reliable and sustainable source of water to the Lewiston Orchards.

**Water Sustainability:**

The project helps achieve water sustainability in a variety of ways:

- By preserving groundwater in the regional aquifer for domestic water use.

- By keeping cold water in Sweetwater Creek for fish. The water comes out of the ground at 55 degrees year-round, cooling the stream in summer.
- By changing the point of diversion for the water right 85-16 from Sweetwater Creek to the Clearwater River, no additional water needs allocated.
- Water remains in Sweetwater Creek to be used for fish and cultural resources as it travels to the Clearwater River.

***Regional Sustainability Benefits:***

- Allows the regional aquifer to be used predominately for drinking water.
- Mitigates the decline of the regional aquifer.
- Provides a long-term supply of irrigation water for the LOP.
- Keeps water in the stream for fish.
- Removes the federal assets from the NPT’s reservation.

***Public Interest:***

- Rather than diverting water from Sweetwater and Webb creeks, essentially draining the streams, water will continue to flow to the Clearwater River, protecting existing water rights.
- By changing the point of diversion to the Clearwater River, the waterflow, previously diverted can now be used for endangered anadromous fish and cultural resources for the Nez Perce Tribe.
- The project should produce a net gain in water accounting as 55 cfs will flow down to the Clearwater River, but only 18 cfs will be pumped back to Reservoir A.
- Water quality improves in Sweetwater Creek and Lapwai Creek due to the influx of cold water from underground springs that feed Sweetwater Creek during the hot summer months when ESA listed steelhead are spawning. A portion of this water is currently diverted to the LOP area.
- A cold water fishery can be maintained in Reservoir A with water from the Clearwater for both Tribal and non-tribal sportsman. The well water surfaces at around 90 degrees Fahrenheit, too warm for a cold water fishery.

***Broad Stakeholder Support:***

- In July 2009, a Memorandum of Understanding (MOU) was executed by the Lower Clearwater Exchange Project (LCEP) stakeholder group: the LOID, the Nez Perce Tribe (Tribe), the County of Nez Perce, Idaho, the City of Lewiston, Idaho, and the Lewis Clark Valley Chamber of Commerce. Although the MOU is not a legally binding document, it does set forth the direction to solve the issues of the current Lewiston Orchards Project (LOP) system. The LCEP group’s objective is to explore and pursue the potential of constructing an alternate water supply replacing the LOP surface water system to provide the following:
  - Creation of a reliable quantity and quality water supply for LOID
  - Permanent resolution of the ESA issues surrounding the LOP
  - Permanent resolution of Federal/Tribal Trust issues surrounding the LOP.

**Resolution of Long-Standing Water Supply Challenges and Conflicts:**

- The LOP diverts water that flows through the Nez Perce Reservation. This project will return the use of that water to the Nez Perce Tribe. Once LOID receives its full water right, the LOP will go through a title transfer process and no longer remain as a RECLAMATION project.

**Stabilization and Recovery of Groundwater Levels:**

- The wellfield concept draws irrigation water from the regional aquifer.
- Hydrologists have noted a decline in the aquifer in the past year after running the two irrigation wells.
- Irrigation usage is significantly greater than domestic usage.
- A pump station from the lower Clearwater River as the primary source of irrigation water for the LOP will help sustain the regional aquifer.

**Project Readiness:**

- The project is moving forward with the RECLAMATION and the NPT. LOID has found a willing landowner with river access. Discussions are taking place with the Army Corp of Engineers to determine the needed permits and approximate placement of the intake pipe. Contact has also been made to the Camas Railroad to determine the cost of an easement as the pipe will need to pass under the railroad.

## COST ESTIMATE AND BUDGET

- From the Clearwater River Pump Station Design Concept, January 11, 2023:

**Table 5-1: Cost Estimate**

Item	Item Description	Unit	Total Price - Low <sup>a</sup>	Total Price - High
1	Pump Station Intake	1 LS	\$5,636,000	\$10,406,000
2	Pump Station	1 LS	\$10,827,000	\$12,325,000
3	Canyon Transmission	1 LS	\$3,274,000	\$3,571,000
4	Eagle & County Rd Transmission and Outlet Structures	1 LS	\$11,003,000	\$14,040,000
5	Low Pressure Count Rd Transmission (Contractor Installed)	1 LS	\$9,072,000	\$14,306,000
6	Clearwater Power Service	1 LS	\$5,850,000	\$5,850,000
<b>Total Cost<sup>b</sup></b>			<b>\$45,662,000</b>	<b>\$60,498,000</b>

a) The low option includes assumptions that reflect lower cost outcomes on facility locations, low pressure pipe material, and intake structure requirements. These items will not be fully developed until after coordination with the railroad company, USACE, and environmental review, which will occur during final design. This also reflects lower project cost risk assumptions and a lower range of soft costs, which requires a reduced scope.

b) Includes total construction cost, soft costs including final design, and AIS and Davis Bacon Wages.



## PROJECT FUNDING SOURCES

LOID currently has a grant open with RECLAMATION for a replacement water supply. The grant was initially written to provide funding for the third well in the proposed wellfield with the ability to transfer funding to a surface water solution. The signed Grant Agreement for Grant Number R22AP00634 is for \$11,010,396 of which RECLAMATION has authorized funds of \$5,800,000. LOID is able to contribute in-kind labor and equipment to install the low-pressure pipe to Reservoir A (Mann Lake).



# United States Department of the Interior



BUREAU OF RECLAMATION  
1150 North Curtis Road  
Boise, ID 83706-1234

IN REPLY REFER TO:

CPN-1000  
2.2.4.21

VIA ELECTRONIC MAIL ONLY

Mr. Barney Metz  
General Manager  
Lewiston Orchards Irrigation District  
1520 Powers Avenue  
Lewiston, ID 83501  
[barneymetz@loid.net](mailto:barneymetz@loid.net)

Subject: Lewiston Orchards Project Water Exchange Letter of Support

Dear Barney:

The Bureau of Reclamation recognizes the importance of the Lewiston Orchards Water Exchange and Title Transfer project and, as a project partner, remains committed to the development of an off-reservation water supply to meet the 8,500 acre-feet water exchange agreed upon by the Lewiston Orchards Irrigation District. In that regard, Reclamation also remains committed to providing at least a 50 percent cost share for construction of the water exchange components.

Thank you for your continued partnership on this project. If you have any questions, please contact Holly Kunz, Program Manager, at (208) 519-9072 or via email at [hkunz@usbr.gov](mailto:hkunz@usbr.gov). If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Sincerely,

JENNIFER  
CARRINGTON

Digitally signed by  
JENNIFER CARRINGTON  
Date: 2024.06.24 19:39:28  
-06'00'

Jennifer J. Carrington  
Regional Director

cc: Bryan Horsburgh  
Deputy Area Manager  
Snake River Area Office  
230 N. Collins Road  
Boise, ID 83702  
[bhorsburgh@usbr.gov](mailto:bhorsburgh@usbr.gov)

Holly Kunz  
Project Manager  
Snake River Area Office  
230 N. Collins Road  
Boise, ID 83702  
[hkunz@usbr.gov](mailto:hkunz@usbr.gov)

INTERIOR REGION 9 • COLUMBIA-PACIFIC NORTHWEST

IDAHO, MONTANA\*, OREGON\*, WASHINGTON

\* PARTIAL



*Nez Perce*

**TRIBAL EXECUTIVE COMMITTEE**

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

13 June 2024

**Via Electronic Mail Only**

Ms. Jennifer Carrington  
Regional Director  
Bureau of Reclamation  
1150 N. Curtis Road  
Boise, ID. 83706

***Re: Lewiston Orchards Project Water Exchange and Title Transfer;  
Alternative Water Source***

Dear Director Carrington:

The Nez Perce Tribe ("Tribe") writes to state its support for your examination of an alternative water source for the Lewiston Orchards Project Water Exchange and Title Transfer ("LOP Water Exchange" or "Project").

The LOP Water Exchange is of extraordinary importance to the Nez Perce Tribe and its people, and at the same time represents a unique regional consensus.<sup>1</sup> It is a partnership of the Tribe and the Bureau of Reclamation ("Reclamation"), the Lewiston Orchards Irrigation District, the City of Lewiston, Nez Perce County, and the Lewis Clark Valley Chamber of Commerce. The Project addresses an extraordinarily broad array of important issues: ESA-designated critical habitat protection; climate change resilience through cold-water refuge protection; Lewiston-area water quantity and quality improvement; and long-delayed tribal and environmental justice for the Tribe, whose Reservation trust lands were illegally taken to construct a water diversion system that has dewatered Reservation streams and harmed Nez Perce cultural and natural resources for over 115 years.

---

<sup>1</sup> The Nez Perce Tribe appreciated the express mention of the Project by the Secretary of the Interior during a March 2023 government-to-government consultation with Columbia Basin Tribes on Columbia Basin Salmon Restoration. The Tribe also appreciated President Biden's September 2023 Presidential Memorandum on "Restoring Healthy and Abundant Salmon," which prioritized a "sustained national effort," across Administration agencies, to restore salmon populations in the Columbia River Basin.

Ms. Jennifer Carrington  
June 13, 2024  
Page 2

The Tribe's support of your alternative water source examination is significantly based on the fact that a Clearwater River surface source was the original concept of the 2009 Lower Clearwater Exchange Project Memorandum of Understanding and Partnership, which remains in effect with the Tribe as a partner; and was also analyzed as Alternative "C" in Reclamation's 2017 Final Environmental Assessment ("FEA") for the Project. The Tribe supports an examination that would advance a concept with no significant deviations from Alternative "C" as analyzed in the 2017 FEA.

*Qe'ciyéw'yew'* (thank you), Director Carrington, for your dedicated support for ensuring completion of this important Project.

Sincerely,

*Ryan Oatman*

For: Mr. Shannon F. Wheeler

cc: Bryan Horsburgh, Deputy Area Manager, Bureau of Reclamation  
Barney Metz, Manager, Lewiston Orchards Irrigation District  
Jerry Klemm, Chairman, Lower Clearwater Exchange Project

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE REGIONAL WATER  
SUSTAINABILITY PRIORITY LIST

RESOLUTION TO APPROVE ARPA FUNDS AND  
CONTRACT TERMS & CONDITIONS FOR THE  
CONSTRUCTION OF THE LOWER  
CLEARWATER EXCHANGE 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  
16           WHEREAS, in July 2021 the IWRB adopted an initial Regional Water Sustainability Priority List to  
17 help guide the IWRB's spending for large, regional water sustainability projects from ARPA funds, state  
18 general funds, or other applicable sources. The Lower Clearwater Exchange Project (LCEP) was included  
19 on the Regional Water Sustainability Priority List; and

20  
21           WHEREAS, in February 2024 the IWRB passed Resolution No. 10-2024 approving \$1,287,000 in  
22 funding from the Water Management Account to Lewiston Orchards Irrigation District (LOID) to complete  
23 30 percent engineering and design for the Lower Clearwater Exchange Project (LCEP). This resolution also  
24 authorized Terms and Conditions for the 30 percent engineering and design work; and

25  
26           WHEREAS, in May 2024 LOID submitted a request for \$25,000,00 in ARPA funding to complete  
27 construction of the Lower Clearwater Exchange Project; and

28  
29           WHEREAS, staff has developed proposed the Terms and Conditions for a contract between the  
30 IWRB and LOID to complete construction of the Lower Clearwater Exchange Project, included as  
31 Attachment A to this resolution; and

32  
33           NOW, THEREFORE BE IT RESOLVED the IWRB approves the Terms and Conditions for the  
34 Construction of the Lower Clearwater Exchange Project as specified in Attachment A to this resolution.

36 NOW, THEREFORE BE IT FURTHER RESOLVED the IWRB approves \$ \_\_\_\_\_ in ARPA funds  
37 for the construction of the Lower Clearwater Exchange Project.

38  
39 NOW, THEREFORE BE IT FURTHER RESOLVED the 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 identified in this resolution.

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

45  
DATED this 1<sup>st</sup> day of July, 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 has pivoted to a Clearwater River Action Alternative.

The LOID is bringing the Clearwater River Action Alternative to 30 percent design. This work also includes negotiations for easements and access permissions from the Army Corps of Engineers, railroad, and landowners. The 30 percent design will also provide information to initiate any necessary environmental and cultural resource work.

**Next Steps:** Construction of a replacement water supply for the Lewiston Orchards Irrigation District from the Clearwater River would consist of five primary milestones : 1) preconstruction work including any needed environmental studies and engineering to final design 2) construction of the river intake structure; 3) construction of a pump station; 4) construction of pipeline to Reservoir A including the disbursement infrastructure, and 5) the power required to operate the finished pump station from the power provider.

Work on these activities is scheduled to commence at the conclusion of the 30 percent engineering design and with the acquisition of all needed permits, easements and rights of way. The finished project would deliver LOID's negotiated water right, to the Lewiston Orchards Project, a Bureau of Reclamation project.

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

- Execute a contract between IWRB and LOID.
- Funding shall be disbursed in installments with the final installment being paid before December 31, 2026.

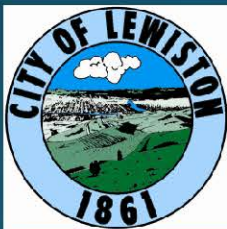
- IWRB will require invoices before it makes payments.
- Contract term will run the life of the Project, though all funding will be disbursed by December 31, 2026. Reporting requirements will continue through the life of the contract.
- Project Sponsors will provide annual reports detailing project expenditures and work completed.
- Project Sponsors will comply with the IWRB's standard contract terms and ARPA related terms.



# LEWISTON ORCHARDS PROJECT Water Exchange

2024 Idaho Water Resource Board's Finance Committee  
Presentation

# A collaborative, consensus-based effort...



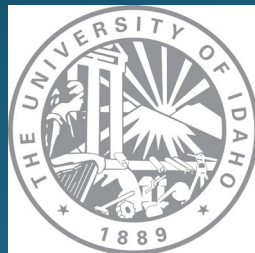
# ... with the support and involvement of many partners ...

- **Active Participants**

- Senator Crapo
- Senator Risch
- Congressman Fulcher

- **Formal letters of support for concept**

- Former Governor Otter
- University of Idaho Waters of the West Program
- NOAA Fisheries Northwest Region
- Columbia River Inter-Tribal Fish Commission
- Trout Unlimited



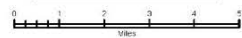
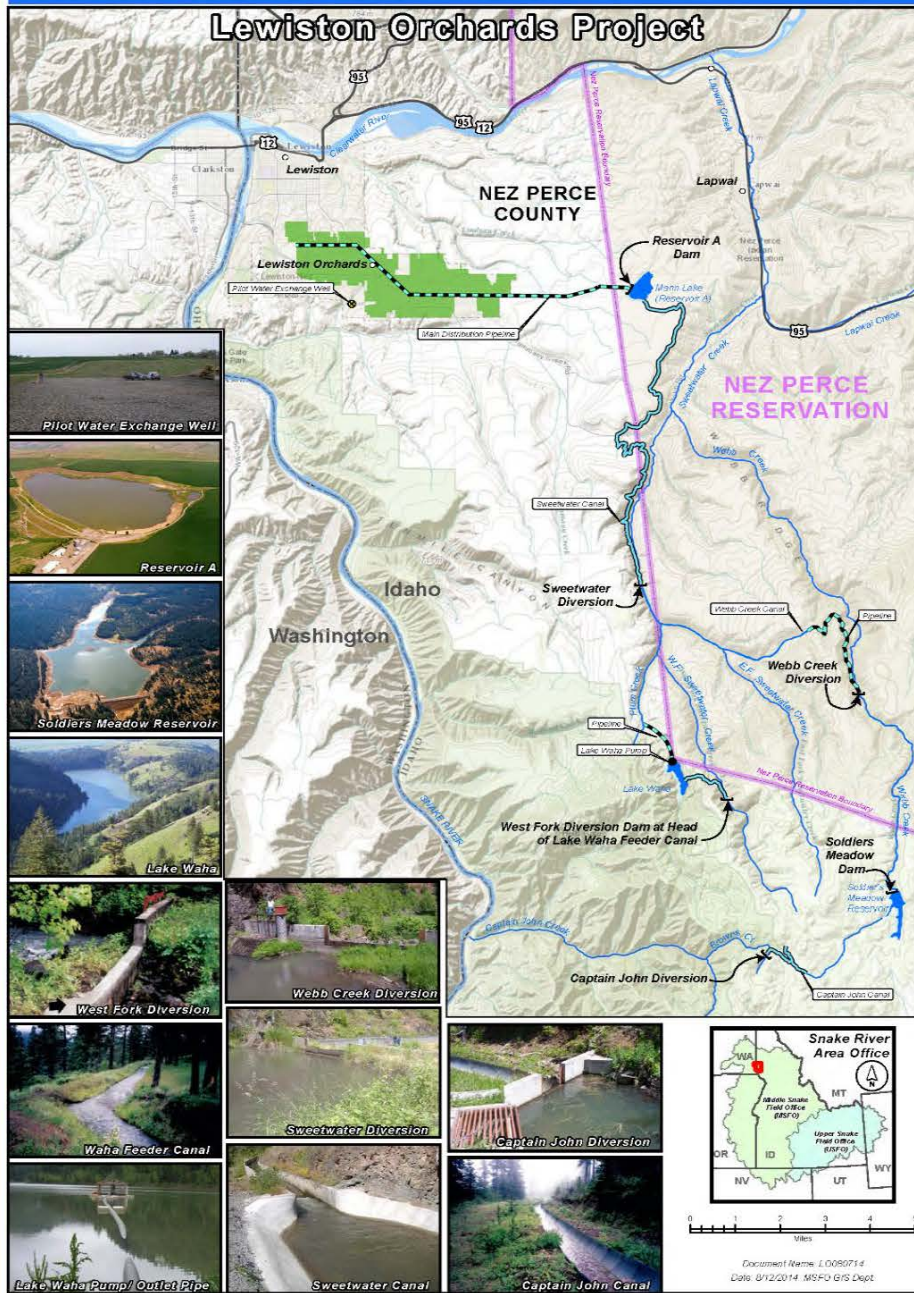
# OBJECTIVES

Permanently solve 3 long-standing problems with existing Lewiston Orchards Project

- (1) Inadequate water quantities, quality, and reliability for Lewiston Orchards Irrigation District
- (2) Adverse effects on the Nez Perce Tribe and its people, including impacts to natural resources and to cultural and religious water uses, resulting from predominant location of the LOP on the Nez Perce Reservation
- (3) Adverse effects on ESA listed Snake River A-run steelhead from the existing LOP and its location on ESA-designated critical habitat



## Lewiston Orchards Project



Adverse effects on ESA-listed Snake River steelhead from the existing LOP and its location on ESA-designated critical habitat.



## Inadequate water quantities, quality, and reliability for Lewiston Orchards Irrigation District.

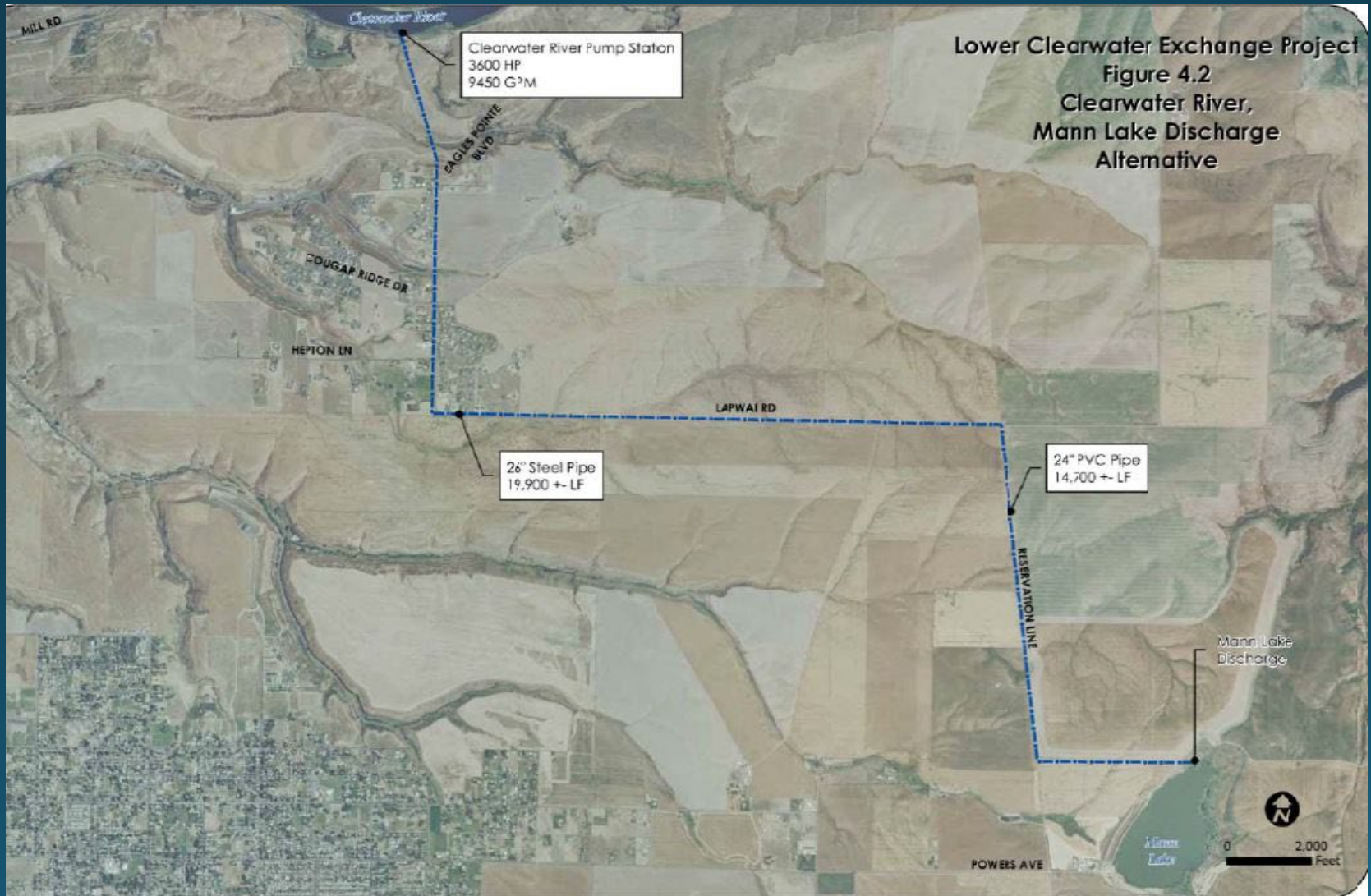
- LOID has never delivered the 2.2 AF of the water contracted with Reclamation due to inadequate surface water supply
- 2020 minimum flows established in Sweetwater and Webb Creeks further reducing availability to patrons
- Since 2000 patrons have been placed on restrictions at times
- Craig Mountain area is predicted to go from snow to rain events with climate change due to elevation and changing weather patterns
- Early runoff can NOT be captured as diversion right is from Feb-Oct per the BiOP
- In the drought of 2021, running the 1<sup>st</sup> 2 Irrigation Wells, placed a senior water right domestic well in jeopardy and had to be turned off
- Regional aquifer has shown a decline by IDWR staff of up 6 ft/year

# Key points moving forward

- BOR, NPT, LOID, LCEP continue to work together to fund an alternative solution
- Removal of Lower Granite Dam will reduce the operating levels of the regional aquifer
- Project is key to address climate change in the Lower Clearwater basin by providing a cold water refugia for endangered fish



# Pipeline Path



# Provide More Detail and Reduce Risk

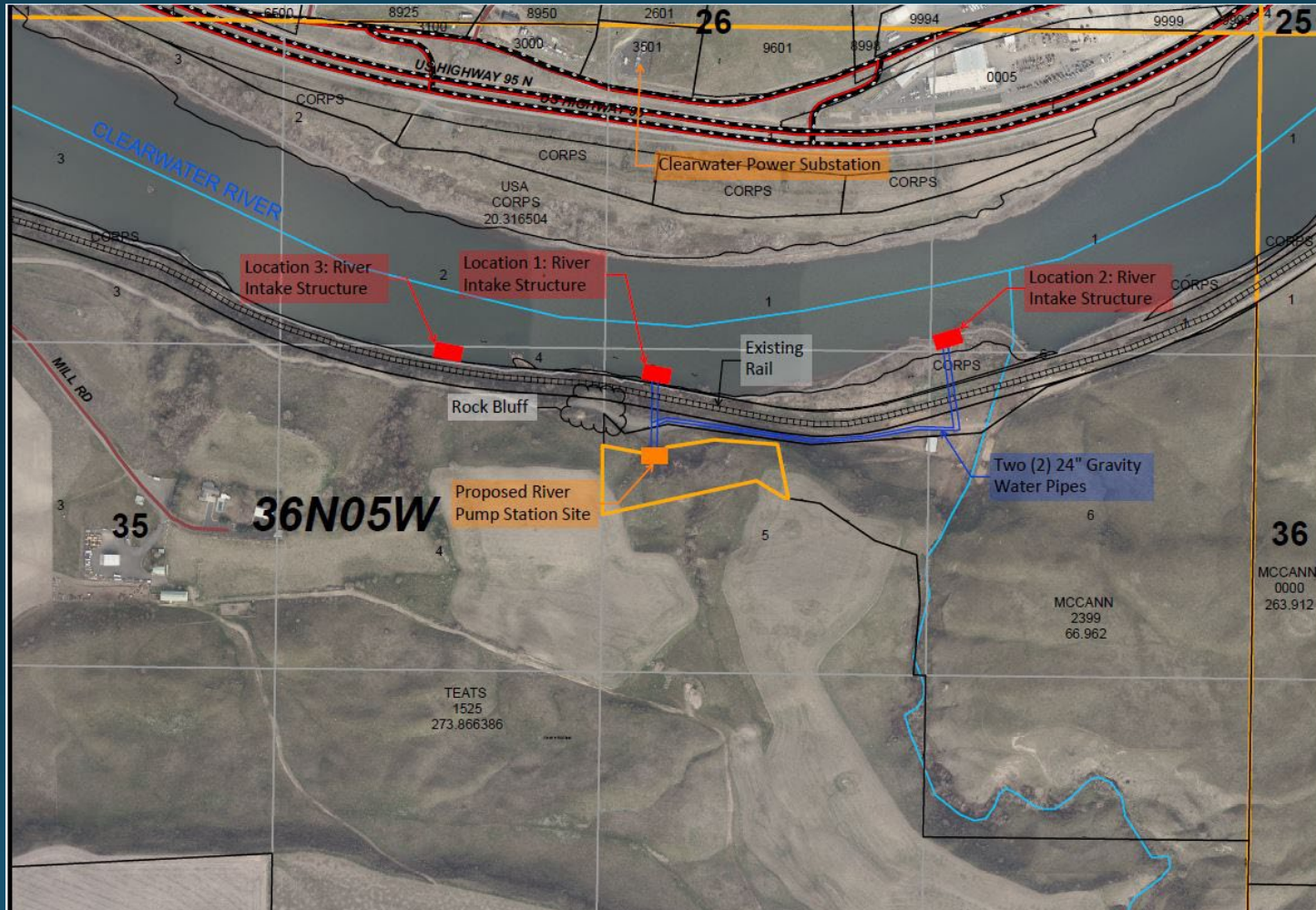


Figure 2 River Intake Structure and Pump Station Area Map

LOID Clearwater River Pump Station Design Concept Report



Not to Scale



# Costs

- The LOID/NPT completed engineering design to a 10% level to determine general feasibility and get a cost estimate to complete the project
- That 10% design estimate is \$60,000,000 in 2023 dollars
  - RISK = \$\$\$
- Next step is securing easements, right of ways, and narrowing the uncertainty of the remaining pieces of the puzzle as part of the 30% design which is underway
  - Reducing RISK

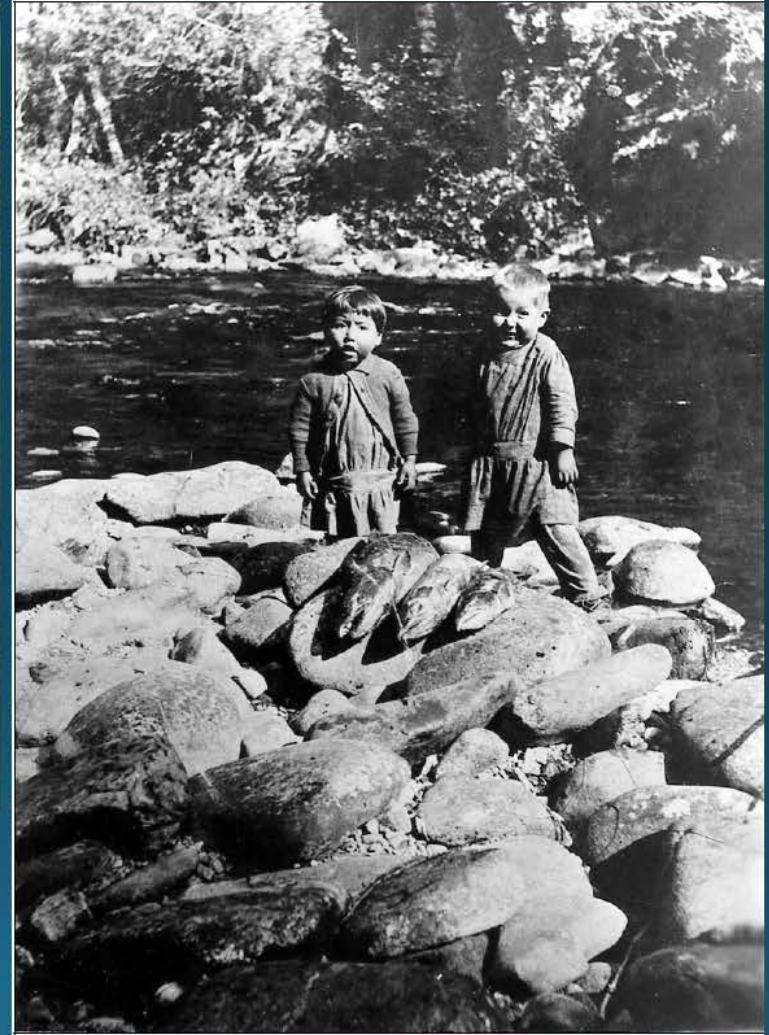
# Recap of why we are a good fit

- This project helps achieve water sustainability for a north central Idaho and helps with multiple public benefits
- This project is collaborative from the Federal Government, Congressionals, Local, Tribal, Environmental Partners, and LOID patrons
- This project will protect our regional groundwater, using surface water first for irrigation and fire suppression, and not contribute to a Groundwater Management area being worsened

# Why are we here?

- Seeking monies as part of the non Federal cost share to leverage against our partners for completion and a solution to this regional issue
- You have letters in your packet from the Nez Perce Tribe and USBR supporting the move to a river pumping solution
- The USBR has verbally committed to moving this project forward, including funding of at least 50%, to achieve success

# Questions



# MEMO



**To:** Idaho Water Resource Board  
**From:** Neeley Miller, Planning & Projects Bureau  
**Date:** June 27, 2024  
**Subject:** New York Canal Rehabilitation Project

---

**REQUIRED ACTION:** Recommendation to IWRB regarding Boise Project Board of Control ARPA funding request and proposed terms and conditions for the New York Canal Rehabilitation Project

---

## Background

At the March 21, 2024 the IWRB authorized \$25,000,000 in ARPA funds (resolution no. 22-2024) for the New York Canal Rehabilitation Project.

## Next Steps

On May 10<sup>th</sup> 2024 the Boise Project Board of Control submitted a letter requesting \$50,000,000 in ARPA funding for the New York Canal Rehabilitation Project. The total construction costs are estimated at \$81,000,000

A draft resolution to authorize ARPA funding and approve contract terms and conditions for the New York Canal Rehabilitation Project is attached

## Attachment(s):

Boise Project Funding Request Letter  
Funding Resolution with Terms and Conditions



**FRED BUTLER**  
CHAIRMAN OF THE BOARD

**RICHARD MURGOITIO**  
VICE CHAIRMAN OF THE BOARD

**ROBERT D. CARTER**  
PROJECT MANAGER

**THOMAS RITTHALER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**MARY SUE CHASE**  
ASSISTANT SECRETARY-TREASURER

# BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000  
ACRES FOR THE FOLLOWING  
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT  
BOISE-KUNA DISTRICT  
WILDER DISTRICT  
NEW YORK DISTRICT  
BIG BEND DISTRICT

May 10, 2024

TEL: (208) 344-1141  
FAX: (208) 344-1437

Idaho Water Resource Board  
Attn: Neeley Miller  
PO Box 83720  
Boise, ID 83720

Dear Neeley:

In November 2022, Boise Project applied for the Sustainability Priority List requesting \$50,000,000 to modernize and rehabilitate six miles of canal lining in the New York Canal. Boise Project was fortunate enough to be selected to receive \$25,000,000 from ARPA funds.

As we move through the process of the project, the anticipated costs to complete the six-mile project have increased due to inflation and the cost of living. Please see below for the updated estimated costs:

<u>Mile</u>	<u>Year</u>	<u>Costs</u>
One	2024	\$11,394,650
Two	2025	\$12,192,275
Three	2026	\$13,045,734
Four	2027	\$13,958,936
Five	2028	\$14,936,061
Six	2029	\$15,981,585
Total Costs		<b><u>\$81,509,241</u></b>

The above estimate is based on a bid received (attached) on May 3, 2024, for the work to be performed on Mile One in the Fall/Winter of 2024/2025. A 7% escalation cost has been added for Miles Two – Six.

Boise Project Board of Control is requesting an additional **\$50,000,000** from any remaining availability of ARPA funds. This project is “Shovel-Ready” with construction of Mile One scheduled to begin at the end of irrigation season in October 2024.

Idaho Water Resource Board  
Page Two

Boise Project Board of Control appreciates IDWR in providing this opportunity to obtain additional funding to rehabilitate and improve our aging water infrastructure. Should you have any questions or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Carter". The signature is fluid and cursive, with the first name "Robert" and last name "Carter" clearly distinguishable.

Robert Carter  
Project Manager

bc:msc

Enclosures

Project BPBC - NEW YORK CANAL LINING PROJECT 2024/25  
 Bid Opening 5/3/2024, 2:00 pm



Item	Description	Unit	Quantity	IMCO	
				Price	Total
201.4.1.D.1	REMOVAL OF EXISTING CANAL LINER (CONCRETE AND/OR ASPHALT)	SY	48,500	\$16.00	\$776,000.00
202.4.1.A.1	EXCAVATION (PLAN QUANTITY)	CY	19,800	\$25.00	\$495,000.00
202.4.6.A.1	BORROW	CY	2,500	\$8.50	\$21,250.00
307.4.1.E.1	TYPE C SURFACE RESTORATION (GRAVEL ROADWAY)	SY	14,100	\$21.00	\$296,100.00
702.4.2.A.1	REINFORCING STEEL	LB	206,790	\$1.25	\$258,487.50
702.4.2.B.1	WELDED WIRE FABRIC	SF	211,480	\$0.40	\$84,592.00
703.4.1.B.1	CONCRETE (CAST-IN-PLACE) CLASS 40	SY	48,930	\$120.00	\$5,871,600.00
801.4.1.B.1	3" MINUS UNCRUSHED AGGREGATE BASE	TON	200	\$50.00	\$10,000.00
802.4.1.B.1	¾" MINUS CRUSHED AGGREGATE FOR BASE, TYPE 1	TON	11,420	\$40.00	\$456,800.00
1001.4.1.A.1	SEDIMENT CONTROL	LS	1	\$300,000.00	\$300,000.00
2010.4.1.A.1	MOBILIZATION	LS	1	\$1,075,000.00	\$1,075,000.00
SP-01	CANAL LINER	SY	48,930	\$19.00	\$929,670.00
SP-02	RESTORE DELIVERY STRUCTURE	EA	5	\$3,000.00	\$15,000.00
SP-03	PVC WATER STOP SEAL	LF	58,900	\$8.50	\$500,650.00
SP-04	SOFT SPOT REPAIR	SY	5,100	\$45.00	\$229,500.00
SP-05	CONSTRUCTION SURVEY	LS	1	\$75,000.00	\$75,000.00
					<b>\$11,394,649.50</b>
					<b>100.00</b>

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF THE REGIONAL WATER  
SUSTAINABILITY PRIORITY LIST

RESOLUTION TO APPROVE ARPA FUNDS AND  
CONTRACT TERMS & CONDITIONS FOR THE  
NEW YORK CANAL 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, Boise Project Board of Control (Boise Project) submitted a request for IWRB Regional  
16 Water Sustainability Funds to cover six miles of rehabilitation work to be completed on the New York  
17 Canal Rehabilitation Project (Project); and

18        WHEREAS, on March 21, 2024 the IWRB authorized \$25,000,000 in ARPA funds (resolution no. 22-  
19 2024) for the New York Canal Rehabilitation Project. Resolution no. 22-2024 also authorized terms and  
20 conditions associated with that funding; and

21  
22        WHEREAS, in May 2024 the Boise Project submitted a request for \$50,000,000 in additional ARPA  
23 funding to complete the New York Canal Rehabilitation Project; and

24  
25        WHEREAS, staff has developed updated Terms and Conditions for a contract between the IWRB and  
26 the Boise Project to complete the New York Canal Rehabilitation Project, included as Attachment A to this  
27 resolution; and

28  
29        NOW, THEREFORE BE IT RESOLVED the IWRB approves the Terms and Conditions for the New York  
30 Canal Rehabilitation Project as specified in Attachment A to this resolution.

31  
32        NOW, THEREFORE BE IT FURTHER RESOLVED the IWRB approves \$ \_\_\_\_\_ in ARPA funds  
33 for the New York Canal Rehabilitation Project.

35 NOW THEREFORE BE IT FURTHER RESOLVED the contract for this project will also contain standard  
36 IWRB contract conditions, ARPA Funding contract provisions, and other project specific Terms and  
37 Conditions not specified in this resolution.

38  
39 NOW, THEREFORE IT BE FURTHER RESOLVED, that the IWRB authorizes its chairman or designee  
40 to execute the necessary agreements or contracts for the purpose of this resolution.

41

DATED this 1<sup>st</sup> day of July, 2024.

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

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

# ATTACHMENT A: Terms & Conditions

## New York Canal Rehabilitation Project

The Boise Project Board of Control (Boise Project) is located in southwestern Idaho and a portion of eastern Oregon. The canal has been re-lined numerous times throughout the decades with either concrete and/or asphalt, with many areas remaining as earthen lining. The purpose of the project is to rehabilitate and improve this aging infrastructure over a six-year period.

The New York Canal has been designated as an Urban Canal of Concern by the Bureau of Reclamation due to its age and public safety. Rehabilitating and improving the New York Canal has become a high priority for Boise Project. Since 2014, Boise Project has designed, and performed the construction management and installation of nearly 4,000 lineal feet of an innovative geocomposite lining that consists of polyester nonwovens bonded to a polyethylene geomembrane. The liner is inert to biological degradation and naturally encountered chemicals, alkalis and acids. It was selected for its puncture resistance and interface friction properties that allow the liner to be deployed directly in contact with existing soils and steepened side slopes. The life expectancy of the liner is 50 years. The project area was selected based on the age of the canal, public safety risk due to the significant change in elevation from the canal and its embankment to the home properties immediately adjacent to the canal and water conservation.

The project includes replacement of approximately six miles of the existing concrete and asphalt lining with a prefabricated multi-layer geocomposite membrane and concrete cap, over a six-year period.

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

- Execute a contract between IWRB and Boise Project.
- Funding shall be disbursed in installments with the final installment being paid before December 31, 2026.
- IWRB will require invoices before it makes payments.
- 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.
- Project Sponsors will comply with the IWRB's standard contract terms and ARPA related terms.