WATER INFRASTRUCTURE UPDATES

Whether its issues relating to aging systems or planning for anticipated future needs, infrastructure is vital to the discussion about water. IWUA is active in seeking solutions to Idaho’s water infrastructure needs – advocating on a state and federal level for funding and reduced regulatory burdens to streamline solutions. Below is an update on four infrastructure issues IWUA is following in Idaho.

Reclamation Fund & Aging Infrastructure

On July 24, 2019, Paul Arrington testified before the House Natural Resources Subcommittee on Oversight and Investigations on the need to address the backlog of infrastructure needs as the Bureau of Reclamation’s (Reclamation) infrastructure continues to age.

In the Pacific Northwest Region, the average age of dams is 80-years. For infrastructure generally, including dams, pipelines, canals, etc., the average age is 78-years. Nationwide, Reclamation estimates that more than $2.5 billion will be needed over the next five years to address its maintenance backlog.

Aging infrastructure is affecting Idaho's water users. For example, it is estimated that approx. $12-15 million will be needed to repair Ririe Reservoir, where an alkali aggregate reaction is causing the concrete to degrade more rapidly than anticipated. In addition, over $7 million will be needed...
for spillway apron and stilling basin concrete repairs at American Falls.

One potential source of funding for this maintenance backlog is the Reclamation Fund. The Reclamation Fund was established in the early 1900s to pay for water projects. It is funded with user fees and royalties from mineral, oil and gas leasing on public land. Much of the money placed into the Reclamation Fund each year is not spent. For example, in fiscal 2018, Congress appropriated only $1.2 billion of the $1.8 billion that was received. Since the early 1990's, the total unspent portion of the Reclamation Fund totals over $16 billion.

"I believe it is time for Congress to put forward a reliable, long-term solution for the Reclamation Fund," remarked Chairman T.J. Cox (D-Calif.) during the hearing. Members of the committee and panel recognized the lost opportunity in years past and urged Congress to move forward with real solutions to this funding problem.

"We are at a similar crossroad today as our forefathers and mothers were when they looked out across the desert and built this infrastructure," Arrington testified. "Finding ways to utilize the Reclamation Fund to address Reclamation’s infrastructure needs will help us create a new legacy and strengthen that legacy for future generations."

**Anderson Ranch Dam Raise**

In March 2018, Reclamation and the Idaho Water Resource Board (Board) entered into a Memorandum of Agreement for cost-sharing on a feasibility study for increasing water storage capacity in the Boise River Basin – particularly, at Anderson Ranch Dam.

In August, Reclamation will transition into the next phase of the process – review under the National Environmental Policy Act (NEPA) – with a series of public scoping meetings:

- **August 27, 2019 (1:00 p.m. to 3:00 p.m.):** Boise River Senior Center, 350 North Pine Featherville Road, Pine, ID.
- **August 28, 2019 (6:00 p.m. to 8:00 p.m.):** Wyndham Garden Boise Airport Hotel, 3300 South Vista Avenue, Boise, ID.
- **August 29, 2019 (6:00 p.m. to 8:00 p.m.):** American Legion, 515 East 2nd South Street, Mountain Home, ID.

For more information, visit [https://www.usbr.gov/pn/studies/boisefeasibility/index.html](https://www.usbr.gov/pn/studies/boisefeasibility/index.html).

**Island Park Reservoir Enlargement**

On July 24, 2019, the Board’s Water Storage Committee held a meeting in Rexburg, Idaho to receive updates on a potential Island Park Reservoir enlargement. The primary issue relating to a potential enlargement, is the impact on property owners around the reservoir.

*Turn to “Infrastructure” on Page 6*

**IWUA ON SOCIAL MEDIA**

For the latest information on IWUA news and events, follow us on our social media accounts. This summer IWUA has added Facebook to its Ag Water Safety program. Check out videos and articles on the importance of being safe around irrigation canals.

In addition, IWUA has begun a “Member Spotlight” series. Check out the first spotlight of the Twin Falls Canal Company now. Future spotlights include the Aberdeen-Springfield Canal Company and Galena Groundwater District.

Twitter: @IWUA_H2O
Instagram: @runningwaterns83301
Facebook: @IdahoH20
BASIN 63 RESERVOIR
STORAGE WATER RIGHTS
ARE DECREED

By: Al Barker

A major milestone was reached on July 23, 2019 in one of the longest-running and most complex and challenging water rights disputes in the SRBA. That date marked the formal entry of decrees for two new water rights for the Boise River reservoirs, along with an order granting a motion to alter or amend the four existing storage rights for the purpose of adding two elements to the existing water rights so that the existing rights can be reconciled and administered to conform to the elements of the new storage rights. With the entry of the decrees for the Boise River reservoir rights the parties also have filed a stipulation with the Idaho Supreme Court to dismiss the appeals and cross-appeals arising from the contested case proceeding over the Director’s administrative determination upholding the reservoir accounting system for the Boise River.

Motions to participate in the claims for the two water rights were filed by the City of Mountain Home and the City of Boise. Mountain Home argued that its groundwater rights would be adversely impacted by the new storage rights because those new Boise River storage rights might interfere with a permit sought by another entity, Elmore County, to recharge groundwater in the County using Anderson Ranch reservoir water. Elmore County, however, did not seek to participate in the adjudication of these new Boise River rights. The City of Boise sought to participate to protect Boise’s water rights and its interest in protecting the streamflow maintenance storage rights held by Reclamation and Fish & Game in Lucky Peak. Boise stated that it wished to ensure maintenance of the status quo.

On July 8, 2019, the Court denied the motions to participate. The Court determined that renumbering of the late claims in the settlement did not create new water rights that had not been previously claimed and did not expand the rights beyond the original claims. The claims for storage were filed in 2013 before the Final Unified Decree and the Court had retained jurisdiction over these claims at this time of the Final Decree. The Court held that it had jurisdiction over the claims for the storage water rights and that no new Director’s report was required. Significantly, the Court also held that Mountain Home’s and Boise’s motions were untimely as the subcases had been the subject of extensive litigation for over five years before the Motions to Decree the rights were filed by the existing parties and before the Motions to Participate were filed. The Court also found unique

DROPLETS
QUICK UPDATES ON NEWS ITEMS

The U.S. Army Corps of Engineers, Bureau of Reclamation, and the Bonneville Power Administration continue to develop an Environmental Impact Statement (EIS) on the Federal Columbia River Systems Operations (FCRSO). The Draft EIS is expected to be released in February 2020. For the latest information, including a video presentation on the range of alternatives being analyzed, go to: http://www.crso.info/.

The Idaho Department of Environmental Quality (IDEQ) continues to implement the Idaho Pollutant Discharge Elimination System Program (IPDES). Primacy is being phased in over several years, with the final program (storm water permits) being phased in on July 1, 2021. For more information, including information about the ongoing IDPES guidance development process, go to: https://www.deq.idaho.gov/water-quality/ipdes/.

## Issue Tracker

### Federal

Senator Jim Risch and Representative Russ Fulcher have sponsored new legislation to improve flexibly in aquifer recharge activities.

Senate Bill 1570 (H.R.2871) addresses three issues associated with recharge and the Federal Government:

1. Section 3(a) authorizes the use of “excess capacity in Bureau conveyance facilities” for recharge activities. These facilities are generally authorized for specific purposes (i.e. irrigation water deliveries) and do not authorize the conveyance of recharge water. This legislation would remove this hurdle to recharge and allow Idaho to access prime recharge locations.

2. Section 3(b) authorizes the use of “project water” for aquifer recharge. Any such use must comply with state law. In Idaho, project water cannot be used for recharge unless it has gone through the water bank or a local rental pool.

3. Section 3(e) authorizes the “holder of a right-of-way, easement, permit, or other authorization to transport water across public land administered by the Bureau of Land Management is authorized to transport water for aquifer recharge purposes, including outside of the regular period of use.”

Idaho is fortunate to have a Congressional delegation that supports the water user community. We will keep you updated as this legislation advances.

### Regional

On July 18, 2019, the U.S. Columbia River Treaty negotiation team visited Boise, Idaho, for a town hall meeting. These town hall meetings provide the negotiation team an opportunity to update stakeholders on the latest information relating to modernizing the Treaty.


During the water user meeting, the negotiation team requested information about how coordinated management of the river has benefited both the U.S. and Canada. An example of such benefits was provided during the town hall by representatives of the wheat growers who remarked about the ability of U.S. and Canadian wheat growers to combine their soft white and hard red wheat at the Portland ports. This is extremely beneficial for the wheat export market.

We will continue to work with the negotiation team to identify the benefits of coordinated operations on both countries.

For the latest information on the Treaty negotiations go to: [https://www.state.gov/columbia-river-treaty/](https://www.state.gov/columbia-river-treaty/).

### State

In April of 2019, Governor Brad Little announced the establishment of a workgroup dedicated to addressing salmon and steelhead issues in Idaho. The “Governor’s Salmon Workgroup” includes a diverse set of stakeholders working collaboratively to develop a unified policy recommendation to assist Governor Little as he shapes Idaho’s policy on salmon and steelhead recovery.

“Idaho has shown, time after time, that we are a leader in collaborative conservation efforts. I look forward to receiving the policy recommendations from my Salmon Workgroup,” remarked Governor Little, “Together we will develop effective salmon and steelhead policy for Idaho to ensure that abundant and sustainable populations of salmon and steelhead exist for present and future generations to enjoy.”

Members of the workgroup include Paul Arrington (IWUA), John Simpson (Committee of Nine), Brett Dumas (Idaho Power), Scott Hauser (Upper Snake River Tribes Foundation), Kira Finkler (Trout Unlimited), Stacey Satterlee (Idaho Grain Producers) and Scott Pugrud (Office of Species Conservation).

To see the entire list of Workgroup members, or to obtain information about past and future meetings, go to: [https://species.idaho.gov/governors-salmon-workgroup/](https://species.idaho.gov/governors-salmon-workgroup/).

Information about Workgroup meetings, including copies of presentations, will be posted to this website.
Diana Warburton has been with the A&B Irrigation District for 39 years. She plans to retire in 2020. In this interview, I got to know a little more about Diana and her time with A&B. Enjoy!

Paul Arrington (PA): Tell us a little bit about yourself, your background, education, family, hobbies, etc.

Diana Warburton (DW): I grew up on a family farm in Rupert, Idaho. I attended one year of college and have been working ever since. My husband and I have a daughter, a son and three priceless grandchildren. I enjoy sewing, crafting, gardening and spending time at our cabin.

I have worked for A&B Irrigation District for 39 years - 29 years as Secretary-Treasurer - and have worked with some tremendous people. I am very appreciative of the District’s Board of Directors and Manager Dan Temple. They have given me the opportunity to be a part of a great organization. I really do love my job. I have enjoyed my friendship with the irrigation community and water users.

PA: Tell us a little bit about your organization - when it was founded, number of acres, etc.

DW: The A&B Irrigation District began as the Northside Pumping Division of the Minidoka Project and was authorized on September 30, 1950. The Bureau of Reclamation constructed the Northside Pumping Division from 1948 to 1959 and operated the system from 1954 through 1965.

The construction cost of the project was $12,598,497, which the water users have repaid over a 40-year period.

In 1960, the A&B Irrigation District was organized. The name “A&B Irrigation District” was simply the result of putting the two units, the surface water Unit A and the ground water Unit B, together, totaling 82,636.1 acres.

PA: Tell us something about your organization that other water users might find interesting?

DW: The land was opened to homesteading giving preference to Veterans. A lottery drawing was held for the farm units giving the applicants their choice of a farm unit. Altogether, 637 farm units were homesteaded on the District, making it the largest deepwell pumping homestead project in the U.S.

PA: What do you see as the biggest challenge your organization will face in the future?

DW: 50% of our employees will retire within 5 years.

PA: What do you see as the most exciting opportunities your organization will face in the future?

DW: Title transfer. After many many years of hard work by A&B board member, Harold Mohlman and others, A&B is working with our local Reclamation office to take title to the A&B irrigation pumps, canals, office, shops and other facilities. It feels like this has taken forever to get going. We are excited about the progress.

PA: Tell us about someone that has influenced your career and how they influenced your career.

DW: My parents. Living on a family farm, my siblings and I had many chores to do including pulling weeds, irrigating, driving tractor, feeding the livestock, etc. We were involved in 4-H, sports and high school activities. This taught me responsibility and hard work.

PA: What has been the toughest lesson you have learned during your work career?

DW: Virgil Temple was the Manager of A&B when I was appointed Secretary-Treasurer and his favorite saying to me was “lack of prior planning on your part does not constitute an emergency on mine.” I learned to plan ahead and be prepared for anything.

PA: What advice would you give to someone who is new to your line of work?
and compelling circumstances to justify amending the previously decreed base rights for the reservoirs.

The decrees entered by the Court were consistent with the settlement agreement reached by and between the State, the Department, the storage right holders, Suez and Reclamation. That settlement was only reached after extensive personal efforts by Speaker Bedke and other legislators, including Rep. Moyle and Rep. Vander Woude. Significantly, the settlement was contingent on a court order decreeing the water rights consistent with the Parties’ agreement. Without these decrees there would have been no settlement of the reservoir fill dispute.

Under the settlement the parties have dropped their appeals challenging the Department’s storage accounting methodology. The State has dropped its appeal challenging the Court’s determination that the water users had established beneficial use water rights. This settlement ends the long simmering controversy over the applicability of the accounting program in the Boise River. At the same time the two

**Turn to “Basin 63” on Page 8.**

The Board contracted with Forsgren Association, Inc. to analyze potential affects to land, real estate, roads, utilities, septic systems, easements, shoreline and other appurtenant structures resulting from a raise of the water level in the reservoir. The presentation discussing the results of the study can be viewed here: https://idwr.idaho.gov/files/iwrb/2019/20190724-Water-Storage-Committee-Materials-1-19.pdf.

In addition, in early July, several stakeholders met with Reclamation to discuss possible paths forward for a reservoir enlargement. IWUA, the Board and stakeholders will continue to advance the issue and provide updates as they become available.

**Title Transfer**

In February 2019, Congress enacted legislation to streamline the Congressional title transfer process – eliminating the need for Congressional approval for certain title transfers. In May 2019, Reclamation issued revised guidance, creating a categorical exclusion (CE) under NEPA for certain title transfers. You can read about these processes here: http://www.iwua.org/bipartisan-lands-package-including-title-transfer-bill-moves-to-presidents-desk/.

Since passage of the legislation and NEPA CE, two IWUA members have been actively pursuing title transfer. A&B Irrigation District (A&B) and Minidoka Irrigation District (MID) are each working with their local Reclamation office to accomplish a title transfer of their respective facilities - with a goal to be the first title transfers approved under the new streamlined process.

The new process will include revised appraisal processes and adjusted review criteria - all of which is in the process of being developed by Reclamation with the input of IWUA, A&B and MID. It is anticipated that the title transfers will be done by fall of 2020.

**Basin 63 (cont. from Page 3)**

**Infrastructure (cont. from Page 2)**
From the Archives

In this section, we dig deep into the Association’s archives and pull an article from prior newsletters. Here, we reprint an article from the January 26, 1955 Idaho State Reclamation Association Newsletter. The Association changed its name to IWUA in 1972. Other interesting information in this edition includes:

- **Message from the Governor:** Governor Robert Smylie spoke of the importance of conserving the “headwaters of the great Snake River” and creating the “Water Facilities Commission of Eastern Idaho.”
- **Message from IWUA President:** Fred Cooper, president of the Association, wrote about the value of the Reclamation Act in the west. “The State of Idaho was among the first states in the nation to take advantage of the opportunity for expansion of her economy through the construction of Arrowrock and Minidoka dams.”

The Investigation Program of the Bureau of Reclamation in the Snake River Above Weiser River

The Bureau of Reclamation has had a greater demand than that of the last several years for investigation of additional water supplies for existing projects and for new lands on the main stem as well as tributaries of the Snake River. It has been necessary, therefore, to use available funds both for finishing as many project-type investigations as possible where urgent local problems are involved and, at the same time, to keep in mind the needs of the entire basin to make sure that no project development would, in any way, jeopardize future comprehensive development.

It has been necessary to carry to completion investigation work leading to immediate authorization and construction of projects such as PALISADES, MINIDOKA NORTH SIDE, and MICHAUD FLATS. During the current fiscal year (July 1, 1954 to June 30, 1955) a total of some $277,000 is programed for expenditure for investigations of all types in the Upper Snake River area.

Four project reports will become available this year (fiscal year 1955), namely: (1) The feasibility report on the Hillcrest Unit of the Mountain Home Division, (2) the Special Report on the Sloan Alternate of the Mountain Home Project, (3) the very important report covering the enlargement of Little Wood Reservoir by which it is hoped to suggest a solution to a very serious problem confronting the Little Wood Irrigation District.

These are not considered to be piecemeal developments. A special upriver storage report will thoroughly review numerous past investigations over a period of many years and will point the way toward a more comprehensive upper basin investigation from an irrigation point of view.

Activities of the Bureau in future years will be guided by two major items: (1) Completion of studies that are underway and (2) Needs of the Snake River area as revealed by the continuing basin inventory and as expressed by the residents, landowners, and water users of the area.

Now that Palisades Dam and Reservoir are nearing completion, careful studies of the operating characteristics of the Snake River below Palisades have demonstrated that a re-regulating reservoir in the canyon below the dam would greatly add to the Palisades payout picture and, in addition, be a great advantage in affecting better control of summer irrigation releases. Investigation of designs and cost estimates of possible re-regulating reservoirs could be closely associated with and a logical expansion of the authorized Palisades construction program.
I can’t believe today is August 1st and I only have 5 more months until I’m retired. But don’t forget I’ll still be around consulting / training / helping for January-March ... At least that is the plan as of now. 😊

I’ve had so many fun experiences this year traveling and learning about how several of our member districts work. On Tuesday, July 30, I spent the day at A&B Irrigation District in Rupert learning their systems. It is quite different than the other districts I have visited because they run with a combination of deep wells and water from the Snake River.

The ditchriders that work in the “deep well pump” section must check each pump daily to make sure the oil tank is full and that it is dripping at the right rate. They use on-line flow meters that must be checked each day to see how much water is being released. Some pumps have up to 5 diversion points and each weir must be measured. A&B is a well-oiled machine itself!

They’ve got several forms that the ditchriders fill out and that in turn goes into the computers at the office where they know how much electricity they need to purchase “every day” versus on a monthly basis, which is what I would have expected.

A special thank you to Lyle (A&B Ditchrider) who showed me the ropes and to Dan Temple, Manager and Secretary-Treasurer Diana Warburton who drove me around and showed me their systems.

The new pumping plant on the Snake River that was installed in 4 months is a thing of beauty and a miracle itself. I am in such awe of all that was accomplished to make sure their patrons have the water they need to grow all of the beautiful crops I saw.

We have received many questions about the hiring process for Karen’s replacement. IWUA will post the job from August 20 to September 20. We will conduct interviews in late September/early October. The anticipated start date is October 28, 2019 (though, we are flexible).
**Water Quality**

*Brian Olmstead, Chair*

The Water Quality Committee continues to closely follow invasive species issues in Idaho. Earlier this year, the Idaho Invasive Species Council met to discuss issues in Idaho. Chairman Olmstead attended the meeting. For more go to [http://invasivespecies.idaho.gov/](http://invasivespecies.idaho.gov/).

---

**Rural & Urban Affairs**

*Jay Barlogi, Chair*

With summer upon us, the Ag Water Safety program is in full swing. Ads will be airing on radio stations throughout southern Idaho from early June through August. You can hear the radio ads on the IWUA website ([www.iwua.org](http://www.iwua.org)). Subscribe to the IWUA Facebook page (@IdahoH2O) for the latest ag water safety content.

In addition, we have started developing “Member Profile” videos. You can see the first video, profiling the Twin Falls Canal Company on the IWUA website home page. Check back for new videos throughout the year.

---

**Nominating & Awards**

*Julie Sievers, Chair*

In an effort to clarify the awards criteria and process, the IWUA Nominating & Awards Committee has reviewed and revised the criteria.

The revised criteria include specific guidelines for the Outstanding Service, Water Statesman and Distinguished Service awards - which had not previously been defined.

In addition, the Committee had a goal of making the Hall of Fame a true IWUA Hall of Fame - meaning that it would be given to individuals for their efforts benefiting the Association and water user community through IWUA. This resulted in a shift in the Lifetime Achievement award criteria to allow IWUA to recognize individuals for their efforts outside IWUA.

We will start taking nominations in October. When approved by the Board, the new criteria will be available at [www.iwua.org](http://www.iwua.org).

---

**Education**

*Terrell Sorensen, Chair*

Thank you to those who helped make the Water Law and Resource Issues Seminar a great success! We heard a lot of great feedback about the topics and presenters.

As we move to fall, we will begin planning for the 83rd Annual Convention, to be held in Boise, Idaho, on January 20-23, 2020. If you have any suggestions for topics or presenters, please let Paul know ([paul@iwua.org](mailto:paul@iwua.org)).

At the Convention, IWUA will celebrate Karen Edwards, who will retire from IWUA after 43 ½ years of service on December 31, 2019.

---

**Legislative**

*Dan Davidson, Chair*

The Legislative Committee will begin gearing up for the 2020 Legislative Session this fall.

The Committee’s next meeting will be at 1:30 p.m. on Monday, October 14, 2019, at the Hyatt Place, Boise Downtown in Boise, Idaho.

If you have any items that you would like to discuss on the agenda, please get that information to Paul Arrington ([paul@iwua.org](mailto:paul@iwua.org)).

---

**Resolutions**

*Randy Brown, Chair*

The Resolutions Committee will meet in December to review IWUA’s Adopted Resolutions and discuss any changes or additions. You can review the 2019 Adopted Resolutions at: [http://www.iwua.org/iwua-resolutions/](http://www.iwua.org/iwua-resolutions/).

If you have any proposed changes or additions, please let Paul know ([paul@iwua.org](mailto:paul@iwua.org)).