2026 RESOLUTIONS

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WATER DISTRICT 1 2026 RESOLUTIONS

1. ANNUAL MEETING OF WATER DISTRICT

BE IT RESOLVED, That the annual Water District 1 meeting shall be held on the first Tuesday of March of each year unless the director and Committee of Nine should find it necessary to change the meeting date.

BE IT FURTHER RESOLVED, That the water users of Water District 1 waive mailed notice of the annual meeting and direct publication of the meeting notice for two (2) consecutive weeks in at least three newspapers located throughout the water district. Nevertheless, Water District 1 will attempt reasonable notice of the annual meeting.

BE IT FURTHER RESOLVED, that in addition to all requirements of the Idaho Open Meetings Law, the agenda for the annual meeting shall be posted on the website maintained by the Water District, so long as the website is operable, not less than forty-eight (48) hours prior to the annual meeting and all minutes of the annual meeting shall be posted on the website maintained by the Water District within a reasonable time after the annual meeting.

2. WATERMASTER

BE IT RESOLVED, That the watermaster shall use reasonable technology available to accurately distribute natural flow and storage water supplies pursuant to Chapters 6 and 8, Title 42, Idaho Code, and will use his available resources to assure that no water user or group of water users divert or use water not provided by their legal rights to the water supply; or properly supplied through leases or rentals in accordance with the rental pool procedures; that the watermaster maintain accurate records of water delivered to each water user; and

That the watermaster shall, by using available measured data and the best available estimates where data is unavailable, accurately allocate the estimated expenses of delivering water of the district to each ditch, canal company, irrigation district or other water user as provided by law; and

That the watermaster shall prepare the Annual Watermaster's Report as required by Idaho Code §42-606 and a proposed budget for the succeeding year as required by Idaho Code §42-615; and

That the watermaster shall investigate ways to expand and maintain automation where it can effectively improve management, reduce personnel costs, travel costs, or result in cost or water savings for water users of Water District 1, or assure better and more current data; and

That the watermaster of Water District 1 is hereby designated manager of the Rental Pool for the Committee of Nine; and

That the watermaster shall not deliver water to any ditch, canal company or other water user until receipt of the amount due and payable from such user is paid.

3. TREASURER

BE IT RESOLVED, That the duly elected treasurer of Water District 1 shall keep a complete, accurate and permanent record of all monies received by and disbursed for and on behalf of the district or the advisory committee. The water district treasurer shall deposit all monies of the district and advisory committee in a depository which complies with the public depository law as contained in Chapter 1, Title 57, Idaho Code; and

That before undertaking the duties of the office, the water district treasurer shall take and subscribe to an oath before an officer authorized by the laws of the state to administer oaths, to faithfully perform the duties of the office, and shall file the oath with the director of the Idaho Department of Water Resources (IDWR); and

That the water district treasurer of Water District 1 shall have the right to collect any charges due and unpaid, by civil action, said action to be brought in any court of competent jurisdiction, in the name of the water district treasurer to whom such charges are payable, and in addition to the amount found due, together with interest and costs, may also recover such sum as the court may adjudge reasonable as attorney fees in said action; and

That the water district treasurer shall only disburse monies from the water district account upon submission of a written voucher approved by the watermaster for expenses incurred for water district purposes related to the delivery of water or by voucher approved by the chairman of the advisory committee for activities pursuant to resolutions adopted by the water users from district funds or funds retained pursuant to Idaho Code §42-613A; and

That the water district treasurer shall prepare a statement of the financial affairs of the district at the end of each fiscal year and shall file the statement with the director of the IDWR; and

That in the discharge of the above duties of the treasurer, he may seek staff assistance as needed.

4. ELECTION OF WATERMASTER AND TREASURER

BE IT RESOLVED:

a. Watermaster. That Craig Chandler be elected watermaster, and be authorized to hire a full-time staff of a deputy, two assistants, a financial assistant, and such other assistants as provided by the adopted budget. The watermaster may hire additional assistants as authorized in Idaho Code §42-609, in an emergency. The watermaster shall serve for a term of one year and upon a determination of necessity therefore, an extension of that term as provided by the director of the Idaho Department of Water Resources (IDWR) for a period of time determined necessary by the director. A certified copy of the minutes containing this resolution and the oath of the watermaster shall be sent to the IDWR.

b. Treasurer. That the Treasurer shall be a current member or alternate of the Committee of Nine, and shall serve a term of one year, or until a successor is elected or appointed. The treasurer's compensation and expenses shall be set by the Committee of Nine, but not to exceed the sum provided in the 2026 Water District 1 budget. Sean Maupin is hereby elected Water District 1 Treasurer and Luke Hicks as the assistant treasurer. In the event the Treasurer is not able to fulfill duties, the assistant treasurer will be compensated.

5. BUDGET

WHEREAS, The water users of Water District 1 meeting in regular annual session find it necessary to confirm the continuation of the following "on-going" resolutions which direct the watermaster and the treasurer of the district in certain aspects of Water District 1 operations;

NOW, THEREFORE, BE IT RESOLVED, That the budget of Water District 1 adopted at the annual meeting shall become the basis for the aggregate amount to be assessed and collected from all water users in the district for the succeeding year. The actual deliveries for the past irrigation season or seasons will be the basis for the allocation of said expenses to the individual water users, canal companies, and irrigation districts. The amount assessed shall constitute a final determination of the amount due for that year, pursuant to Idaho Code § 42-612(5); and

That the treasurer shall establish and maintain a general account and shall cause all monies received to be deposited and shall make all disbursements as necessary to conduct the business of the water district; and

The budget for Water District 1 for the 2026 year beginning December 1, 2025 be as follows:

WD01 Proposed 2026 Budget

	2025 BUDGET		11/30/2025 2025 ACTUAL		2026 BUDGET	
INCOME						
ASSESSMENTS	1,512,000	1	1,514,200	1	1,512,000	1
RENTAL ADMINISTRATIVE FEE	535,000		556,332		535,000	
STREAMGAGING INCOME	158,101	2	155,730	2	163,780	2
INTEREST	81,000	3	151,190	3	90,000	3
MARKET VALUE CHANGE ON LT ACCT			33,430			
MISCELLANEOUS INCOME	4,000		1,183		4,000	
	2,290,101		**2,412,065**		**2,304,780**	
NET INCOME/LOSS	(110,889.00)		284,061		(105,010.00)	

1 Includes UV Expenses to be billed to UV users
2 Reimbursed from USBR, Fremont-Madison, Fall River Hydro, and City of Idaho Falls
3 Actual Budgetary Basis of Accounting

WD01 Proposed 2026 Budget

EXPENSES			
HYDROGRAPHERS/RIVER RIDERS/WD1			
TETON BASIN	65,000	53,150	66,100
IDAHO FALLS HYDROGRAPHER	4,600	3,444	4,700
LOWER VALLEY	10,000	6,675	10,000
HENRYS FORK	20,500	28,840	30,000
TETON RIVER	4,500	9,348	10,000
HEISE/RIGBY RIVER RIDER	19,700	19,139	20,200
BLACKFOOT	8,500	9,514	9,500
SWAN VALLEY	5,000	5,078	5,200
UPPER FALLS	5,500	4,926	5,500
WILLOW CRK	6,200	6,518	6,700
IDAHO FALLS RIVER RIDER	1,000	0	1,000
MILNER	750	0	750
TOTAL	**151,250**	**146,632**	**169,650**

WD1 TREASURER			
TREASURER SALARY	3,600	3,600	3,600
TREASURER MILEAGE	500	255	500
TOTAL	**4,100**	**3,855**	**4,100**
PERSONNEL EXPENSES			
RETIREMENT	25,000	16,391	20,000
PAYROLL TAXES (FICA, Medicare, SUHD)	20,000	14,336	18,000
MILEAGE	88,900	76,251	88,900
STATE INSURANCE FUND	5,800	4,216	4,500
MISC. HYDROGRAPHER EXP	2,000	2,505	2,000
MISC. PERSONNEL EXPENSES	1,200	1,209	1,200
TOTAL	**142,900**	**114,908**	**134,600**
PROGRAM EXPENSES			
AUTOMATION	1,000	480	1,000
HYDROMET O & M	60,000	49,165	60,000
STREAMGAGING	385,100	385,100	395,800
WR ACCOUNTING and MEASUREMENT EQUIP	20,000	20,000	20,000
SPECIAL MEASUREMENT EQUIPMENT	40,000	22,753	0
TOTAL	**506,100**	**477,498**	**476,800**
EQUIPMENT EXPENSES			
COMPUTER/OFFICE EQUIPMENT	3,000	1,439	3,000
TELEPHONE	5,040	5,040	5,040
TOTAL	**8,040**	**6,479**	**8,040**

WD01 Proposed 2026 Budget

		2025 BUDGET	11/30/2025 2025 ACTUAL	2026 BUDGET
MISCELLANEOUS EXPENSES				
	IWUA	600	583	600
	POSTAGE	1,200	1,127	1,200
	OFFICE SUPPLIES	3,500	3,300	3,500
	RECORD STORAGE	400	289	400
	BANK CHARGES	100	0	100
	AUDIT	15,500	16,472	18,000
	MEETINGS	9,000	7,258	9,000
	MISC/ CONTINGENCY DEBT WAIVED	800	83	800
TOTAL		**31,100**	**29,112**	**33,600**
WATERMASTER				
	WATER DISTRICT 1 STAFF	900,000	792,544	925,000
	TRAVEL	20,000	16,374	20,000
TOTAL		**920,000**	**808,918**	**945,000**
TOTAL WATER DISTRICT 1 OPERATIONS BUDGET		**1,763,490**	**1,587,402**	**1,771,790**
OTHER COMMITTEE OF NINE APPROVED EXPENDITURES				
COMMITTEE OF NINE - APPROVED BY RESOLUTION				
	ATTORNEYS	240,000	195,122	240,000
	CONSULTANTS	4,000	0	4,000
	FAMILY FARM ALLIANCE	5,000	5,500	5,500
	LEGISLATIVE INTERNSHIP	3,000	3,000	3,000
	CLOUDSEEDING	35,000	35,000	35,000
	IWRB CLOUDSEEDING BY AIRPLANE	200,000	194,376	200,000
	WATER EDUCATION	500	0	500
	COMMITTEE OF NINE - MEETINGS/TRAVEL	100,000	69,783	100,000
TOTAL		**587,500**	**502,781**	**588,000**
TOTAL WATER DISTRICT BUDGET		**2,350,990**	**2,090,183**	**2,359,790**
UPPER VALLEY FEES		**50,000** [4]	**37,821** [4]	**50,000** [4]
TOTAL BUDGET W/ UV FEES		**2,400,990**	**2,128,004**	**2,409,790**

4 Charges covered by the Upper Valley Water Users

6. INTERIM BUDGET

WHEREAS, Water District 1 fiscal year is December 1 and end November 30; and

WHEREAS, The annual meeting of Water District 1 at which the annual budget is adopted is the first Tuesday in March, leaving the water district to operate for just over four months without a budget.

NOW, THEREFORE, BE IT RESOLVED, By Water District 1 meeting in regular annual session, that Water District 1 adopts a continuing budget of 40% of the current annual budget for the district to operate under between November and the annual meeting.

BE IT FURTHER RESOLVED, That the continuing budget approved by Water District 1 may be amended by the Committee of Nine provided it shall reasonably represent the budget resolution the Committee of Nine will propose to the water users at the next annual meeting.

7. FILING OF ANNUAL MEETING MINUTES, BUDGET AND RESOLUTIONS

BE IT RESOLVED, That copies of the minutes of the annual meeting, the approved budget, and resolutions 2, 3, 4, 5, 6 and 7 adopted at the annual meeting of the water users of Water District 1 shall be filed with the secretary of said meeting and thereupon he shall immediately prepare and file a certified copy thereof with the director of the Idaho Department of Water Resources and a certified copy with the county auditors of Bonneville, Teton, and Fremont Counties in accordance with Idaho Code §42-612 and §42-617.

8. MINIMUM CHARGES FOR WATER DELIVERY

WHEREAS, It is the watermaster's responsibility to assure the proper delivery of both natural flow and storage supplies to all water users; and

WHEREAS, The normal water district cost of delivering water to many water users is greater than their normal assessments would be based upon their total annual use of water.

NOW, THEREFORE, BE IT RESOLVED, That the watermaster of Water District 1 is hereby authorized to assess a $100.00 minimum charge for every diversion within his jurisdiction when the pro-rated charge to the water user is less than the minimum charge.

9. SPECIAL ASSESSMENTS-UPPER VALLEY WATER USERS

WHEREAS, The water users located above Blackfoot, excluding irrigation entities which have duly and timely opted out of the upper valley legal services assessments by retaining their own individual counsel, (upper valley) have chosen to collectively retain legal counsel; and

WHEREAS, It is their desire to have the watermaster assess the upper valley water users for these legal services and other appropriate and reasonable expenses associated with representation of the collective interests in the upper valley in proportion to their water use unless an alternative method is adopted.

NOW, THEREFORE, BE IT RESOLVED, that the watermaster hereby be authorized to assess canals located above Blackfoot (excluding irrigation entities which have duly and timely opted out of the upper valley legal services assessments by retaining their own individual counsel) for legal fees and other appropriate expenses associated with representing the collective interest of the upper valley, including a Treasurer if required.

BE IT FURTHER RESOLVED, That such charges may not exceed the amount budgeted during the current year and that the assessments will be made in proportion to their water use or in a manor acceptable to and approved by representatives of the water users of the upper valley.

BE IT FURTHER RESOLVED, That the water district treasurer shall maintain said amounts in a separate account and that payment there from shall ONLY be made when authorized by the Upper Valley budget or the upper valley Committee of Nine members.

10. COOPERATIVE PROGRAM

WHEREAS, Water District 1 employee compensation was not adequate to keep pace with inflation and other increasing costs, especially when compared to the private sector; and

WHEREAS, Engineers, hydrologists and other specialized, technical positions at Water District 1 are important for dealing with the critical water issues facing the district including the administration of the rental pool; and

WHEREAS, Water District 1 needs the ability to attract and keep sufficient new employees for these technical positions due in large part because of the wide difference in salary when compared to the private sector; and

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NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 hereby grants the authority to the Committee of Nine to create a standing Compensation/MOU Sub-Committee of the Committee of Nine to work with the Director of Idaho Department of Water Resources (IDWR), which shall then make recommendations to the Committee of Nine for its consideration to adjust employee compensation for Water District 1 employees taking into account the expertise, specialization and technical training for each employee, compared with salaries offered in the private sector, as limited by the budgeted amount for employee compensation authorized by the water users of Water District 1.

BE IT FURTHER RESOLVED, That except for the modifications described herein, the water users of Water District 1 continue the cooperative program with the IDWR as outlined in the Memorandum of Understanding dated May 2, 2019 (MOU), and as further amended from time to time with approval by the Committee of Nine, signed by the chairman of the Committee of Nine and the director of IDWR, a copy of which is attached hereto as Exhibit A and made a part hereof as if set out at length herein. IDWR agrees to provide the full-time employees necessary for the water distribution and administrative operations of Water District 1 as identified in Resolution 4.a, and such employees' compensation and salary structure shall be administered in accordance with Amendment 3 to the MOU.

BE IT FURTHER RESOLVED, That based upon the above criteria and the recommendations of the Compensation Sub-Committee (MOU Committee), as approved by the Committee of Nine, the water users of Water District 1 hereby authorize payment to IDWR for compensation (salary, fringe benefits, and possible bonuses) of the IDWR employees (watermaster and classified staff) assigned to accomplish the water distribution and administrative duties of the District in accordance with the MOU, not to exceed a total for salaries, fringe benefits, and bonuses of $684,172 and a total for indirect costs associated with salaries, fringe benefits, and bonuses of $240,828.

11. WATER DISTRICT PROPERTY

BE IT RESOLVED, That the watermaster is hereby authorized to acquire, hold and dispose of such real and personal property, equipment and facilities in the name of the water district as necessary for the proper distribution of water and shall provide that all such real and personal property shall remain in the custody of the watermaster and the watermaster's successor.

12. COMMITTEE OF NINE

BE IT RESOLVED, That the Committee of Nine be designated to be the advisory committee under Idaho Code §42-605 and be continued with nine regular members selected by their respective districts and approved by the water users at the annual meeting of Water District 1. The member representing the Burley and Minidoka Irrigation Districts and the member representing the West side and East side of the Henrys Fork District shall be alternated between the two districts as they agree. Alternates for each committee member may be approved in the same manner as regular committee members at the annual meeting. Advisors to the Committee of Nine may consist of a representative from the United States Bureau of Reclamation, the Teton Basin, the AFRD #2, A & B Irrigation District, the Wyoming State Engineer, or others as approved by the Committee of Nine.

BE IT FURTHER RESOLVED, That the Committee of Nine shall elect from the regular committee members a Chairman, and Vice-Chairman for terms of two (2) years unless the position is vacated. These positions shall rotate, alternating among representatives of the following three (3) areas (each area determining which representatives shall serve as the officer from its area): Those representatives from districts below American Falls Reservoir; those representatives from districts in the Blackfoot and South Fork area; and those representatives from the Idaho Falls and Henrys Fork area. Members elected shall transition through the offices identified (except for the office of Treasurer which would rotate through the districts but not necessarily succeed to the Vice Chairman and Chairman). If at any time a member duly elected becomes unable to serve, his or her position shall be filled by a member identified as a substitute from the identified district.

BE IT FURTHER RESOLVED, That the Committee of Nine shall as needed, organize sub-committees, staffed with regular committee members or their alternates who shall make recommendations to the Committee of Nine. The United States Bureau of Reclamation representative and the Watermaster of Water District 1 shall serve as advisors to the rental pool subcommittee. The Chairman shall chair the Resolutions sub-committee. The Vice-Chairman shall chair the Rental Pool sub-committee. The Treasurer shall chair the Finance sub-committee. The sub-committees shall be staffed at the desires of the Chairman in consultation with the Vice-Chairman with the intent that each area be represented.

BE IT FURTHER RESOLVED, That in addition to all requirements of the Idaho Open Meetings Law, so long as the Water District website is operable, the notices for all regular meetings of the Committee of Nine and its subcommittees shall be posted on the website maintained by the Water District not less than five (5) days before the meeting; unless an emergency exists, the notices for all special meetings of the Committee of Nine and its subcommittees shall be posted on the website maintained by the Water District not less than twenty-four (24) hours before the meeting; agendas for all regular meetings of the Committee of Nine and its subcommittees shall be posted on the website maintained by the Water District not

less than forty-eight (48) hours before the meeting; agendas for all special meetings of the Committee of Nine and its subcommittees shall be posted on the website maintained by the Water District not less than twenty-four (24) hours before the meeting; and, all minutes of the regular and special meetings of the Committee of Nine and its subcommittees shall be posted on the website maintained by the Water District within a reasonable time after a meeting.

13. CREDENTIALS

WHEREAS, The water users of Water District 1 have historically specified that "no person be elected to membership and service on the Committee of Nine … unless he or she be a landowner and a water user..."; and

WHEREAS, A "Person" shall include an individual or a duly authorized person from an "Entity" which is defined as a cooperative; corporation; sole proprietorship; unincorporated association; limited liability company; partnership; trust; estate; and body politic.

NOW, THEREFORE, BE IT RESOLVED, That water users and landowners shall be defined as follows:

a. A Person who owns an irrigated farm that is comprised of more than twenty (20) irrigated acres that has a valid surface water right deliverable by the Water District 1 Watermaster; and

b. A Person who currently or in the past receives over 50 percent of his annual income from farming activities;

14. AUTHORITY OF COMMITTEE OF NINE

WHEREAS, The members of the Committee of Nine, as the water district's advisory committee, are elected to represent the general interest of the water users, and as such each Committee of Nine district shall be limited to one vote by either its regular Committee of Nine member or its approved alternate.

NOW, THEREFORE, BE IT RESOLVED, That the Committee of Nine is hereby authorized to:

a. Advise and consult with the watermaster and director on matters related to water resources management and water distribution;

b. Serve as the standing resolutions committee for all meetings of the water district;

c. Take those actions necessary to represent and protect the interests of the water users of the water district and to authorize the expenditure of additional funds when necessary;

d. Employ such legal, engineering, technical and clerical services that may be deemed necessary by the Committee of Nine to fulfill its responsibilities to the water users of the water district;

e. Make and execute such contracts and agreements as may be deemed necessary or convenient;

f. Do such other things, as the committee shall deem to be beneficial to the water users of the water district.

g. To appoint such other persons as advisors to any subcommittee as deemed necessary by the Chairman in consultation with the Vice-Chairman.

BE IT FURTHER RESOLVED, That the Committee of Nine is hereby ratified as the local committee for the rental of stored water under Idaho Code §42-1765.

15. APPROVAL OF EXPENSES BY COMMITTEE OF NINE

WHEREAS, The Committee of Nine has been selected by the water users of Water District 1 to represent their collective interests.

NOW, THEREFORE, BE IT RESOLVED, That the Committee of Nine be authorized to modify the budget and approve the expenditure of funds held by the water district for the following purposes:

a. Unanticipated expenses of the water district;

b. Necessary improvements to the water district's facilities;

c. Educational projects designed to increase public awareness in the area of water distribution, water rights and water conservation;

d. Other public projects designed to assist in the adjudication, conservation or more efficient distribution of water;

e. Involvement in legislative, legal and agency deliberations on issues identified in the resolutions and such other matters involving water quantity and quality which could affect water users of the water district, including naming the Committee of Nine as a party in legal actions involving the Endangered Species Act, the Clean Water Act, and the negotiation and administration of federal and tribal claims filed in the Snake River Basin Adjudication and settlements, and further, to expend funds as are necessary

that may exceed the budgeted amounts for such expenditures and then approved by the Committee of Nine;

f. To reimburse advisory committee members in accordance with the policy attached hereto as Exhibit B or as approved by the Committee of Nine;

g. Items authorized in resolution number 14.

16. INDEMNIFICATION OF COMMITTEE OF NINE MEMBERS

WHEREAS, The Committee of Nine has been selected by the water users of Water District 1 to represent their collective interests; and

WHEREAS, The Committee of Nine is highly involved in legislative, legal and agency deliberations on water quantity and water quality issues that could affect water users of the water district, including naming the Committee of Nine as a party in legal actions.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 authorizes the district to have the power to indemnify any person who was or is a party or is threatened to be made party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the district) by reason of the fact that he is or was a member of the Committee of Nine, an alternate, or appointee of the committee, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the district, and with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the district, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

BE IT FURTHER RESOLVED, That the water users of Water District 1 authorizes the district to have the power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the district to procure a judgment in its favor by reason of the fact that he is or was a member of the Committee of Nine, a director, officer, employee or agent of the district, or is or was serving at the request of the district as a member of the Committee of Nine, an alternate, or appointee of the committee against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted

in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the district and excerpts that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the district unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

BE IT FURTHER RESOLVED, That to the extent that a past or present member of the Committee of Nine, an alternate, or appointee of the committee has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsection (a) or (b) hereof, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

BE IT FURTHER RESOLVED, That the water users of Water District 1 authorize the district to have the power to purchase and maintain insurance on behalf of any person who is or was a member of the Committee of Nine, an alternate, or appointee of the committee against any liability asserted against him and incurred by him in any capacity or arising out of his status as such, whether or not the district would have the power to indemnify him against such liability under the provisions of this section.

BE IT FURTHER RESOLVED, That the indemnification and advancement of expenses provided by, or granted pursuant to, this section shall, unless otherwise provided when authorized or ratified, continue as to a person who has ceased to be a member of the Committee of Nine, an alternate, or appointee of the committee, and shall inure to the benefit of the heirs, and personal representatives of such a person.

17. ATTORNEYS FEES

WHEREAS, The Committee of Nine has been elected and recognized as the advisory committee of Water District 1 since 1919; and

WHEREAS, Idaho Code §42-612 authorizes the water users to budget for costs of the advisory committee in implementing resolutions adopted by the water users of the district; and

WHEREAS, The funding for advisory committee expenses associated with implementing resolutions adopted by the water users for other than the payment of salary and operating expenses of the watermaster and assistants shall come from funds available pursuant to section Idaho Code §42-613A; and

WHEREAS, Idaho Code §42-619(8) provides the treasurer of the water district shall only disburse moneys from the water district account upon submission of a written voucher approved by the chairman of the advisory committee for activities pursuant to specific resolutions adopted by the water users from district funds; and

WHEREAS, The accounting of the water district would better comply with accounting standards if all legal firms hired by the Committee of Nine complied with certain standard procedures.

NOW, THEREFORE, BE IT RESOLVED, By the water users of Water District 1, that the following procedures be implemented to govern the relationship between legal firms employed by the Committee of Nine, as follows:

a. That legal firms may hereafter only be hired by the Committee of Nine at a regular or special meeting on such conditions as the Committee might prescribe in an employment contract; and

b. That legal firms shall execute an employment contract with the Committee of Nine of Water District 1 which shall list those items (resolutions) that have been previously designated as work for the Committee of Nine by that firm, which contract shall have a fee schedule for said firm's work attached; and

c. That each firm shall itemize the work accomplished on each resolution assigned to the firm and the time spent thereon during the previous billing period on its monthly statements to the Committee of Nine, and all expenses and costs advanced during the month, including the payment of filing fees and other expenses; and

d. That each firm will work on a standard hourly rate for services performed by attorneys and paralegals working on any authorized matter according to the hourly rates approved in the employment contracts. Each firm may reevaluate hourly rates as of January 1 each year but shall not increase rates without Committee of Nine approval; and

e. That for each new issue arising under existing water user resolutions that one or more of the designated firms are asked to become involved in by a Committee of Nine motion and resolution, the Committee of Nine shall, to the extent possible, designate the scope of work and desired result.

f. Prior to attorney fees exceeding budget item, pursuant to Resolution 15, Committee of Nine has the right to redirect funds from an unspent, related budget item.

18. CONTINGENCY FUND-WATER RENTALS

WHEREAS, The watermaster from time to time finds that storage has been used in excess of entitlements; and

WHEREAS, These "excess uses" require an allocation of rental pool storage; and

WHEREAS, Discussions and petitions regarding these excess storage uses can be time-consuming and can result in delays in making payments to rental pool participants.

NOW, THEREFORE, BE IT RESOLVED, That the Committee of Nine is authorized to maintain $400,000 of the funds generated through the administrative fee placed on water rentals for the purpose of assuring rental pool participants can be paid in accordance with the Water District 1 Rental Pool Procedures.

BE IT FURTHER RESOLVED, That the administrative fee for “excess uses” be $1.00 more than the stated administrative fee in the Rental Pool Procedures.

BE IT FURTHER RESOLVED, That all monies collected for excess use rental charges, plus all appropriate interest and penalties, shall be first used to replace monies spent from this account.

19. CONDITIONS TO DELIVERY OF WATER

WHEREAS, It is in the interest of all water users to have the water rights within Water District 1 delivered by priority; and

WHEREAS, The accounting system now used by Water District 1 requires that each diversion have assigned to it a specific list of decreed, licensed, and storage entitlements; and

WHEREAS, Those diversions which have no decreed, licensed or permitted water rights will necessarily be taking storage water any time a diversion takes place.

NOW, THEREFORE, BE IT RESOLVED, That no diversion under a decree, license or permit, shall be allowed unless the list of rights for that diversion are found in the watermaster's records or proper arrangements have been made to procure an adequate water supply prior to the start of the irrigation season.

20. STORAGE DIVERSION REPORTING

WHEREAS, It is the watermaster's responsibility to assure the proper distribution of natural flow to all water users; and

WHEREAS, Diversions in Water District 1 may deliver water for rentals, groundwater conversions, recharge, and for other entities not entitled to receive natural flow while the diversion's water rights are in priority; and

WHEREAS, The watermaster must have an accurate record of the daily volume of storage diverted to lands or purposes that should not be receiving natural flow to ensure that the system's natural flow is distributed accurately to all diversions;

NOW, THEREFORE, BE IT RESOLVED, That any diversion carrying storage water for purposes or lands not entitled to receive the diversion's natural flow while the diversion's natural flow water rights are in priority must report their daily volume of storage diverted to the watermaster to ensure proper natural flow distribution to Water District 1 diversions; and

BE IT FURTHER RESOLVED, That storage water for purposes or lands not entitled to receive a diversion's natural flow will not be assigned to the diversion in the Water District 1 final water right accounting if the daily storage deliveries are not reported for the diversion.

21. RENTAL POOL PROCEDURES OF COMMITTEE OF NINE

BE IT RESOLVED, That the following Water District 1 Rental Pool Procedures be approved by Water District 1 and submitted for approval by the Idaho Water Resource Board as follows:

See the Rental Pool Section.

22. WATER DISTRICT 1 POLICY POSITION

WHEREAS, Idaho is a priority doctrine state where historically water has been developed and used in the various areas of the state; and

WHEREAS, Various water policy issues may arise that could potentially impact historic water distribution patterns and water supplies in Idaho; and

WHEREAS, The water users of Water District 1 and their representatives, the Committee of Nine, advocate the following positions through future policy discussions, negotiations, and/or litigation if necessary:

a. Administration of water rights that have been or will be adjudicated in the Snake River Basin Adjudication (SRBA) must recognize traditional distribution and water management;

b. The zero minimum flow at Milner, as established in the state water plan and in General Provision no. 4 in Basin 02 of the Final Unified Decree issued in the Snake River Basin Adjudication (SRBA) be recognized as Water District 1's position, and that there can be no call for deliveries of Snake River water below Milner by downstream interests;

c. Releases of Snake River water past Milner must be consistent with state law and limited to annual arrangements approved by the Committee of Nine and the Idaho Water Resource Board;

d. Any changes in upstream water rights that would allow Snake River water to be transferred below Milner shall be by Committee of Nine agreement only or will be vigorously opposed.

NOW, THEREFORE, BE IT RESOLVED, By the water users of Water District 1, that the Committee of Nine is authorized to allocate sufficient funds to protect and defend these principles in policy discussions, negotiations, and/or litigation related to water right adjudication, administration, or water management.

23. EVAPORATION LOSSES FROM RESERVOIRS WITHIN WATER DISTRICT 1

WHEREAS, The reservoirs on the mainstem of the Snake River and its tributaries within Water District 1 are used for the storage of water for irrigation and in the distribution and delivery of natural flow and stored water to water users within Water District 1; and

WHEREAS, It is to the benefit of all water users within Water District 1 to establish a standard accounting procedure for handling evaporation losses from reservoirs within Water District 1.

NOW, THEREFORE, BE IT RESOLVED, That the total evaporation losses determined to occur from all reservoirs shall be proportionately allocated among all allottees or spaceholders receiving water from storage, without regard to the priority for storing water in the respective reservoir or its location.

BE IT FURTHER RESOLVED, That this resolution be recommended to the watermaster of Water District 1 and the director of the Idaho Department of Water Resources for implementation of these accounting procedures.

24. RECHARGE

WHEREAS, Water levels in the Eastern Snake Plain Aquifer (ESPA), as well as surface water flows, have declined over the past several years due to changes in irrigation delivery operations and practices, drought, and groundwater pumping; and

WHEREAS, These declining water levels and surface water flows may be improved by managed recharge at various locations on the Snake River Plain as determined by the ESPA model and recharge study; and

WHEREAS, Managed recharge is recharge of the ESPA by authorized diversion and use of storage or natural flow water rights in existing irrigation delivery facilities or other designated facilities; and

WHEREAS, At the present time, recharge facilities are available to accommodate recharge to ESPA within Water District 1.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 support continued efforts and funding to identify and implement the most effective managed aquifer recharge sites and projects, which would, replenish ground water levels and surface and spring flows.

BE IT FURTHER RESOLVED, That the water users of Water District 1 support recharge and are ready, willing and able to provide facilities to commence recharge upon clearly defined recommendations or proposals from the state of Idaho and Idaho Water Resource Board (IWRB).

BE IT FURTHER RESOLVED, That the water users of Water District 1 support and urge the IWRB to work with the Committee of Nine, canal companies and irrigation districts on management of the recharge component of the ESPA Comprehensive Aquifer Management Plan.

25. IWRB COMPREHENSIVE AQUIFER MANAGEMENT PLAN (CAMP)

WHEREAS, In 2006 the Idaho Legislature passed Senate Concurrent Resolution No. 136 requesting the Idaho Water Resource Board (IWRB) to prepare and submit a CAMP for the Eastern Snake Plain Aquifer (ESPA); and

WHEREAS, The IWRB with the assistance of Idaho Department of Water Resources and a stakeholder advisory committee completed the CAMP and IWRB approved it on January 29, 2009; and

WHEREAS, The stated goal of the CAMP is to "Sustain the economic viability and social and environmental health of the Eastern Snake Plain by adaptively managing a balance between water use and supplies"; and

WHEREAS, The objectives of the CAMP are to: 1) increase predictability for water users by managing for a reliable supply; 2) create alternatives to administrative curtailment; 3) manage overall demand for water within the Eastern Snake Plain; 4) increase recharge to the aquifer; and 5) reduce withdrawals from the aquifer; and

WHEREAS, The CAMP seeks to effect a total long-term water budget change in the ESPA by 600,000 acre-feet over a 20-year period, with a 200-300,000 acre-feet change within the first 10 years; and

WHEREAS, Implementation of the CAMP and its proposed actions is dependent upon adequate funding, including funding from the state of Idaho; and

WHEREAS, Many water users in Water District 1 have an interest in the sustainability of the ESPA to ensure water supplies for their water rights; and

WHEREAS, The governor of the state of Idaho, Legislative leadership of the state of Idaho, and the IWRB remains committed to the CAMP; and

WHEREAS, The Idaho Water Resource Board following the request of the Governor of the State of Idaho is developing a water resource sustainability policy; and

WHEREAS, Now is the time for all members of the CAMP, including the implementation committee members, to continue to work on a long-term funding mechanism and process for prioritizing and selecting projects on the ESPA in the future.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 continue to support IWRB's efforts in formulating and implementing the CAMP for the benefit of the ESPA, the development and implementation of the sustainability policy and support further discussions to resolve the funding issues.

BE IT FURTHER RESOLVED, That the water users of Water District 1 support and urge the state of Idaho to fund the state's portion of the CAMP for purposes of its implementation.

BE IT FURTHER RESOLVED, That the water users of Water District 1 support and urge the IWRB to work with the Committee of Nine and water users of Water District 1 on development and implementation of projects.

26. CONTINUED SURFACE WATER DELIVERY OPERATIONS

WHEREAS, Ground water levels and surface water flows may decline by changes to surface water delivery operations, including reduced incidental recharge; and

WHEREAS, Preventing further declining water levels and surface water flows may be accomplished by supporting continued surface water delivery operations, including continued incidental recharge from these operations; and

WHEREAS, Water users in Water District 1 may take actions to improve surface water delivery operations, including implementing conservation or efficiency measures.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 support continued surface water delivery operations, including incidental recharge from these operations.

BE IT FURTHER RESOLVED, That the water users of Water District 1 recognize a water delivery entity's right to change surface water delivery operations, including implementing conservation or efficiency measures.

27. USBR OPERATION & MAINTENANCE (O&M) ACTIVITIES

WHEREAS, The United States Bureau of Reclamation (USBR) operates and maintains important water supply and hydropower facilities throughout Water District 1; and

WHEREAS, Such facilities are aging and may be in need of major maintenance or restoration activities and, in some cases, the high costs of completing these maintenance projects are compounded by governmental, environmental, or endangered species requirements; and

WHEREAS, The USBR plans, budgets, manages, allocates and passes the costs of project O&M and extraordinary maintenance or restoration activities on to spaceholders without significant involvement from the project beneficiaries.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 urge the USBR to:

a. Work with spaceholders in formulating O&M budgets and planning for extraordinary maintenance or restoration activities on applicable facilities well in advance of actual expenditures;

b. Account for and explain to spaceholders, actual O&M costs incurred for each applicable facility, including budget comparisons and other detailed cost accounting analysis as requested by spaceholders;

c. Work with spaceholders on planning, budgeting, bidding, and managing extraordinary maintenance and renovation activities on applicable facilities in order to contain costs and maximize benefits;

d. Work with Congress and the Administration to obtain alternative funding sources to assist spaceholders in covering the added costs of complying with environmental, species protection laws in maintaining and restoring USBR facilities in the West;

e. Encourage the USBR to only include those costs associated with the actual delivery of water to agricultural purposes in the O&M budgets which are billed to agricultural water users.

f. Develop timely and efficient processes to allocate funds through grant and/or loan programs, including those made available through the Infrastructure Investments and Jobs Act of 2021.

28. RIRIE RESERVOIR FLOOD CONTROL RULE CURVES

WHEREAS, The flood control rule curves for Ririe Reservoir were developed prior to the time Ririe storage space was contracted; and

WHEREAS, The storage space in Ririe Reservoir is now contracted to Mitigation, Inc., an entity formed to mitigate the impacts to Upper Snake water users including but not limited to the advancement of water right priority date from 1891 to 1867 pursuant to water right number 01-10223 caused by the 1990 Fort Hall Indian Water Rights Agreement, and contracted space has proven to be unreliable and difficult to fill; and

WHEREAS, Pursuant to the United States Army Corp of Engineers' (USACE) Standing Operating Procedures Reservoir Regulation: Ririe Dam the enacting legislation allows for modification of flood control rule curves as additional information becomes available; and

WHEREAS, The Standard Operating Procedures state the flood control objective of Ririe Dam is "to provide adequate storage space in the reservoir to regulate stream flow downstream insofar as possible to a non-damaging level, and yet still provide a near full reservoir at the end of the flood season for irrigation and other project purposes"; and

WHEREAS, Conditions in the Willow Creek basin have changed since the flood control rule curves were developed, including the establishment of an annual maintenance schedule to keep Willow Creek Canal, Sand Creek Canal and the Willow Creek Floodway channel free of ice during the winter; and

WHEREAS, The current flood control rule curve does not reliably represent current or updated hydrologic conditions on Willow Creek; and

WHEREAS, The Standard Operating Procedures require cooperation between the United States Bureau of Reclamation (USBR), USACE, Idaho Department of Water Resources, the Water District 1 Watermaster, water users, fish & game, local interests and others to provide maximum benefits for the region; and

WHEREAS, The water users of Water District 1 are dependent upon available water supplies and adjusting the flood control rule curves would increase the reliability of contracted storage supplies in Ririe Reservoir; and

WHEREAS, The USBR and USACE have completed the Phase 1 and Phase 2 studies, which have shown how the re-evaluation of winter flood control operations could retain flood control benefits while also providing valuable storage benefits during some years; and

WHEREAS, The USBR has completed a 2014 Environmental Assessment Ririe Winter Storage Study for Ririe Dam and Reservoir, which compares No Action to Alternative 1 with a finding of no adverse natural resource or socioeconomic impact.

WHEREAS, Legislation passed Congress (WIIN Act of 2016) to improve and update the Ririe Reservoir winter Flood Control Rule Curves to improve the water supplies of the water users, and

WHEREAS, USBR Dam safety studies and modifications show that water could be safely stored during winter with only a minor modification; and

WHEREAS, Mitigation, Inc. has signed a MOA with the USACE and paid the USACE $480,000 to conduct a proposal review for Ririe Reservoir.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 encourage the USBR and the USACE to change the flood control rule curves based on the hydrologic analysis completed during the USBR 2009 study to better match the current conditions in the Willow Creek basin and to allow for a more dependable contracted storage supply in Water District 1 and providing for full mitigation of the impacts resulting from the 1990 Fort Hall Indian Water Rights Agreement;

BE IT FURTHER RESOLVED, That the water users of Water District 1 support changing, including reauthorization legislation, if necessary, the Ririe Reservoir Project to properly balance Ririe Reservoir water and irrigation supplies with adequate flood control operations.

BE IT FURTHER RESOLVED, That the water users of Water District 1 encourage the Idaho Water Users Association and the Idaho State Legislature to support Water District 1 efforts to change the Ririe Reservoir Flood Control Rule Curves.

29. RESERVOIR & RIVER OPERATIONS

WHEREAS, The Committee of Nine has formed a reservoir and river coordination sub-committee, with the acceptance of the United States Bureau of Reclamation (USBR), to meet with and receive updates on winter releases at Palisades Reservoir and operations and release at Jackson Lake Reservoir; and

WHEREAS, The fill of Jackon Lake and Palisades Reservoirs is critical to the overall operations of Water District 1's canal companies and irrigation districts; and

WHEREAS, The State of Idaho and Water District 1 recognizes that power production and use of power head is subordinate to irrigation storage rights; and

WHEREAS, Concerns have been raised over the USBR's winter operations at Palisades Reservoir and the effect those operations have on the availability of water for all uses including flow augmentation, as well as releases and operations at Jackson Lake Reservoir; and

WHEREAS, The past operations have shown additional involvement and discussion of sub-committee members may provide additional information necessary for successful fill operations in Jackson Lake and Palisades Reservoirs.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 urge the USBR to incorporate recommendations from the sub-committee to the fullest extent possible consistent with other governing requirements to ensure a fill of Jackson Lake and Palisades Reservoirs.

30. SUPPORT OF OPERATIONS FORUM UNDER– 2009 REAFFIRMATION AGREEMENT OF THE SWAN FALLS SETTLEMENT

WHEREAS, The Upper Snake River Advisory Committee (Operations Forum) was created in 2011 pursuant to the further Swan Falls Settlement Agreements in the SRBA in order to address more efficient river and reservoir operations in Water District 1; and

WHEREAS, The Operations Forum is comprised of representatives from the State and major stakeholders which own storage waters, natural flow waters and power rights at and above Milner Dam in Water District 1; and

WHEREAS, The Operations Forum concept is supported by the water users of Water District 1 provided the water users rights are fully protected; and

WHEREAS, The Operations Forum does not supersede existing water rights of decreed or storage reservoir rights to maximize water supplies in the upper snake river.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 support the Operations Forum created pursuant to the 2009 Reaffirmation Agreement of the Swan Falls Settlement Agreements in the SRBA and authorize designated Water District 1 members to attend and fully participate in the meetings of the Operations Forum.

BE IT FURTHER RESOLVED, That the duly designated Water District 1 members to the Operations Forum shall have no authority to bind water users of Water District 1 or the Committee of Nine without the express written authorization of the Committee of Nine or the water users of water users of Water District 1 through resolution.

31. USBR PROPOSED CHANGES TO RECLAMATION MANUAL

WHEREAS, In 2011 the United States Bureau of Reclamation (USBR) began a process to revise and make changes to certain policies in its Reclamation Manual as set forth in PEC 09, PEC 05, PEC 09-01, and PEC 05-01; and

WHEREAS, USBR asserts that water used for “irrigation” purposes must meet a criteria of commercial agricultural use on over 10 acres; and

WHEREAS, USBR’s draft policies and its implementation may adversely affect existing water use under existing contracts between water users in Water District 1 and USBR; and

WHEREAS, USBR's draft policies may not be in accord with existing state law, concerning land and water use.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 oppose any effort by USBR to adopt or implement new policies that would adversely affect the water users' interests, including the use of their storage water rights.

32. STATE OF IDAHO INVASIVE SPECIES PROGRAM

WHEREAS, Invasive species pose a threat to the state of Idaho, its natural resources, and local economies; and

WHEREAS, Invasive aquatic species like quagga,zebra, and golden mussels, are especially threatening to the State of Idaho's waterways, water users, and its agricultural economy; and

WHEREAS, Infestations of quagga mussels were documented in southern Idaho in 2023-2025, and infestations of other invasive species are well documented in other states throughout the country, notably in California and the lower Colorado River basin; and

WHEREAS, These species were also recently found in waterbodies in the state of Montana, which poses a particular concern to Idaho water users; and

WHEREAS, The Idaho Legislature enacted the "Idaho Invasive Species Act of 2008" to assist in prevention, early detection, rapid response and eradication of invasive species; and

WHEREAS, The Western Governors' Association launched the Western Invasive Species Council to coordinate a more aggressive and cohesive strategy for invasive species management that includes prevention, monitoring, control and eradication; and

WHEREAS, Maintaining and even enhancing the existing level of preventive and protective measures implemented by the State of Idaho is vital to all Idaho water users; and

WHEREAS, Supporting and coordinating efforts to prevent the spread of invasive species, especially aquatic invasive species, benefits all Idaho water users.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 supports the state of Idaho's invasive species program and local initiatives to prevent the infestation and spread of invasive species, especially aquatic invasive species.

BE IT FURTHER RESOLVED, That the water users of Water District 1 support continued legislative funding of the Idaho State Department of Agriculture's program and prevention strategy, including watercraft inspection, monitoring surveys, and outreach/education to boaters.

BE IT FURTHER RESOLVED, That the water users of Water District 1 support the current inspection and prevention programs, as well as enhancement of such programs to protect Idaho's waterways.

BE IT FURTHER RESOLVED, That the water users of Water District 1 urge and support coordinated efforts between the states and federal agencies to eradicate aquatic invasive species and prevent their spread to the State of Idaho.

33. CLOUD SEEDING

WHEREAS, The water resources of the Snake River Basin (both surface and ground) are being stressed by drought, population growth, and increasing demands by agriculture, cities, and recreational activities; and

WHEREAS, Cloud seeding is a water management tool that can augment water supplies for all citizens of Idaho; and

WHEREAS, Water District 1, irrigation districts and canal companies and counties financially supported the cloud seeding program of the High Country Resource Conservation and Development Council (RC&D); and

WHEREAS, the Idaho Water Resource Board in partnership with Idaho Power Company has initiated a cloud seeding program in cooperation with High Country RC&D.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 strongly encourage and support Idaho Power, the Idaho Water Resource Board and the RC&D Council efforts covering the Snake River Basin area in Water District 1 to develop, operate, maintain, and fund a coordinated, scientifically based cloud seeding program during the winter time for the watershed areas of the Snake River including the Henrys Fork and its tributaries.

BE IT FURTHER RESOLVED, That Water District 1 participate with the RC&D Councils by including a budget item for cloud seeding of at least 1/3 of the cost up to $35,000 (to be reviewed annually) with the balance of program costs coming from the RC&D Councils.

BE IT FURTHER RESOLVED, That Water District 1 participate with the Idaho Water Resource Board by including an additional budget item for cloud seeding of up to $200,000 (to be reviewed annually) to support the cloud seeding program operated by Idaho Power in cooperation with the Idaho Water Resource Board with the balance of the program costs coming from the Board or other participants.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the High Country, Three Rivers, Mid-Snake, and Wood River RC&D Councils, the Idaho Water Resource Board and Idaho Power Company.

34. WATER MONITORING EXPENSES

WHEREAS, The Idaho Department of Water Resources (IDWR) incurs expenses for monitoring conditions of the Eastern Snake Plain Aquifer (ESPA), updating the ESPA ground water model, updating surface water modeling tools, and updating accounting for water rights; and

WHEREAS, Such tools are essential for water administration for the waters of the state and benefit all residents of the state; and

WHEREAS, Water users recognize that diversions in excess of the water actually consumed occur with most uses, and such excess water becomes the source or a portion of the source of another water right.

NOW, THEREFORE, BE IT RESOLVED, That because the efforts, models and tools of the IDWR are essential to water administration, and beneficial to the entire state of Idaho, the expenses of such efforts should be borne from the general fund of the state.

35. ADDITIONAL STORAGE

WHEREAS, Water is the most precious natural resource of the state of Idaho; and

WHEREAS, Water users of Water District 1 have been experiencing shortages in water availability and deliveries in recent years; and

WHEREAS, Continued, unprecedented drought, population growth and urban development, conjunctive administration, Endangered Species Act requirements and other additional demands are being placed on the already scarce water resources of the state; and

WHEREAS, Idaho stores a small percentage of its annual run-off in comparison with other states; and

WHEREAS, Additional storage would be beneficial for water users of Water District 1 for irrigation, domestic, municipal, commercial, industrial, recreation, flood control, resident fisheries, wildlife and other purposes; and

WHEREAS, New storage reservoirs can take many years to plan, design and construct; and

WHEREAS, additional potential storage capacity has been identifiedat certain facilities and projects including the Teton Dam, Minidoka Dam, Jackson Lake Dam, Twin Springs Dam, Galloway Dam and Lost Valley Dam; and

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 encourage the IDWR and the Idaho Water Resource Board, in cooperation with other interested Federal and State agencies, local governments, water users and other citizens, to study potential storage projects including a BOR basin study of the Upper Snake River Basin, identify those that have the most benefit to the state of Idaho, and develop funding strategies to move forward with the planning, design and construction of those projects.

BE IT FURTHER RESOLVED, That the water users of Water District 1 urge the Governor and Legislature of the state of Idaho to allocate state funding and commit additional resources as necessary to assist in carrying out these objectives.

36. IDWR FUNDING

WHEREAS, State funding for the Idaho Department of Water Resources (IDWR), including a continued appropriation for the Idaho Water Resource Board, has not been adequate to keep pace with inflation and other increasing costs, especially when compared to other state agencies and the private sector; and

WHEREAS, Engineers, hydrologists and other specialized, technical positions at the IDWR are important for dealing with the critical water issues facing the state of Idaho, including urbanization, conjunctive administration and environmental demands; and

WHEREAS, The IDWR has lost several valuable employees and struggles to attract and keep sufficient new employees for these technical positions due in large part because of the wide difference in salary when compared to other state agencies and the private sector; and

WHEREAS, Unless the IDWR is adequately funded it cannot carry out its mandated responsibilities or shoulder new responsibilities as the water resources of the state become more valuable and scarce.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 support adequate funding for the IDWR, in order to fulfill its mandated responsibilities.

37. ENDANGERED SPECIES ACT

WHEREAS, The Federal Endangered Species Act (ESA) is designed to maintain endangered or threatened species through artificial propagation; and

WHEREAS, Special interest groups use the ESA to obstruct beneficial water resource projects; and

WHEREAS, The appropriate federal agencies do not adequately or appropriately administer the ESA; and

WHEREAS, Recovery plans for threatened and endangered species is a federal obligation but can be delegated to or developed in cooperation with states.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 support revision and amendment of the ESA to:

a. Require simultaneous recovery plans with listing decisions;

b. Require that the agency specify only reasonable and prudent alternatives contained in approved recovery plans if alternatives are needed to avoid jeopardy;

c. Require the agency to include economic considerations as well as scientific data in a determination of the value of listing a species for either threatened or endangered status;

d. Provide that cooperative agreements between federal, state, or local agencies, and water supply entities shall be deemed a substitute for listing for habitat conservation or recovery plans;

e. Preclude the Secretary of Interior from designating by regulation waters to which the United States exercises sovereignty as critical habitat that would impact non-federal waters or entities;

f. No provision or program of the ESA shall be construed or applied to authorize a taking or deprivation of any state created interest in water or water right.

38. ESA PETITIONS / PROGRAMS

WHEREAS, Certain species and plants have been listed or petitioned for listing under the ESA that could affect water use in Water District 1, including but not limited to stocks of Snake River salmon and steelhead, Yellowstone cutthroat trout, Western Yellow-billed cuckoo, and various snails; and

WHEREAS, Such federal listings and associated programs including critical habitat designations, hatchery policies, and studies could threaten water diversion, storage, and use operations in the Upper Snake River Basin; and

WHEREAS, The consequences of such federal actions and listings could be devastating to Water District 1 water users and the agricultural economy of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 oppose ESA listings, petitions to list, programs, and litigation that could negatively impact water use and operations in the Upper Snake River Basin;

BE IT FURTHER RESOLVED, That the water users of Water District 1 support petitions to delist plant and animal species, including various Snake River snails, and oppose litigation that would seek to overturn any de-listing rules issued by the U.S. Fish Wildlife Service or NOAA Fisheries;

BE IT FURTHER RESOLVED, That the water users of Water District 1 coordinate with the State of Idaho Office of Species Conservation and continue to monitor and participate in any federal or state processes concerning listed plants and species that could affect water diversion, storage, and use in the Upper Snake River Basin.

39. FCRPS / CRSO LITIGATION

WHEREAS, National Oceanic and Atmospheric Administration Marine Fisheries Service (NOAA Fisheries) previously released various biological opinions on the Federal Columbia River Power System (FCRPS) regarding Snake River and Columbia River anadromous fish that have been subject to litigation; and

WHEREAS, NOAA Fisheries and the federal action agencies recently completed a final Environmental Impact Statement (FEIS) and Record of Decision (ROD) and companion biological opinion for continued operations of the Columbia River System Operations (CRSO); and

WHEREAS, various groups recently filed an amended complaint challenging the FEIS and ROD and those groups are seeking declaratory and injunctive relief regarding the operations of the federal dams; and

WHEREAS, The water users of Water District 1 do not agree that United States Bureau of Reclamation's (USBR) Upper Snake River Basin Projects are operated as part of the FCRPS or CRSO.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 oppose any attempt to combine the separate ESA consultations for the FCRPS or CRSO and the USBR's Upper Snake River Basin Projects.

BE IT FURTHER RESOLVED, That the water users of Water District 1 oppose any further efforts by NOAA Fisheries or the plaintiffs to impose any further requirements that might directly or indirectly affect water storage or use in the Upper Snake River Basin. including any attempts to require additional flow augmentation contrary to the terms of the Nez Perce Snake River Water Rights Settlement.

BE IT FURTHER RESOLVED, That the water users of Water District 1 support the existing 2020 CRSO-EIS and ROD, and the Federal Columbia River Power System operations which do not negatively impact the Congressionally authorized purposes of the projects including hydropower, navigation and irrigation.

BE IT FURTHER RESOLVED, That the water users of Water District 1 oppose any requests for injunctive or other relief that would result in flow augmentation from the Upper Snake River Basin.

BE IT FURTHER RESOLVED, That the water users of Water District 1 oppose the removal of any of the lower Snake and Columbia River dams.

BE IT FURTHER RESOLVED, That the water users of Water District 1 monitor and participate in the 2020 CRSO-EIS and ROD litigation as necessary to ensure their interests are adequately protected.

40. CLEAN WATER ACT

WHEREAS, The United States Congress is presently considering reauthorization of the Clean Water Act (CWA); and

WHEREAS, Such reauthorization may significantly impact the water users in Water District 1.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 urge Congress and the administration to incorporate the following principles in

any activities regarding the CWA, including promulgation of any regulations or agency guidance:

a. That neither the United States Army Corps of Engineers (USACE) nor (EPA) nor any other federal agency or officer shall utilize any provision or program under the CWA to allocate or reallocate water quantity under water rights acquired pursuant to state law as part of any program that seeks to require specified levels of assimilative capacity, dilution water or instream flows;

b. No provision or program of the CWA shall be construed or applied to authorize a taking of any interest in water created pursuant to state law;

c. That section 404 protections and allowances for water dependent activities should be expanded, particularly with regard to permitting for facilities, which are related to the exercise of state created water rights. Section 404 should continue to include the de minimus exception to the "discharge of dredged material" and the exemption of "incidental fallback";

d. The USACE should adopt simplified procedures for issuing general and nationwide permits and for transferring 404 permit authority to states. Certain categories of water such as headwaters, isolated waters, and certain intrastate waters should be excluded from permit requirements;

e. The USACE or EPA may not prohibit or in any way restrict or condition water diversions, depletions, or the consumptive use of water or water rights, which are authorized or decreed under state law;

f. Section 404 and wetland jurisdiction should be limited so that it does not apply to water surfaces and water related vegetation areas created artificially incidental to irrigation, hydropower and water supply projects. Any new rules or regulations or amendment of existing rules or regulations that are promulgated by EPA or the USACE regarding their authority over "waters of the United States," should expressly acknowledge the term "navigable" as directed by the United States Supreme Court in *Solid Waste Agency of Northern Cook County v. Corp.* and *Rapanos v. United States*;

g. Reasonable best management practices should be incorporated in the law as the programs to be pursued for non-point sources;

h. Maintain the provisions of the CWA that exempt irrigation delivery or conveyance systems and return flows from point source regulation. Existing non-point sources shall remain as non-point sources under any program adopted under the CWA. Entities owning such irrigation delivery or conveyance facilities shall be permitted to control or regulate the quality of such return flows and to develop cooperative programs with water users;

i. That any proposed total maximum daily loads regulation should be subject to public review and comment as provided for by state law before implementation;

j. Water contained in canals, laterals, pipes, and drain ditches, seep tiles, and other irrigation and water delivery facilities should not be considered "waters of the United States" by EPA, the USACE, Idaho Department of Environmental Quality and other federal and state agencies and the agencies should clarify that a 404 permit is not required for the discharge of dredge or fill material into irrigation ditches, canals, laterals and drains that are constructed and used for irrigation or drainage purposes;

k. That neither the USACE nor EPA nor any other federal agency or officer shall utilize any provision or program under the CWA to require National Pollutant Discharge Elimination System (NPDES) or Idaho Pollutant Discharge Elimination System (IDPES) permits for inter- or intra-basin water transfers and that the agencies adopt regulations exempting such water transfers from NPDES permits.

l. That EPA should clarify that application of pesticides and aquatic herbicides directly to "waters of the United States" consistent with the FIFRA label to control pests that are present in or present over such waters, including aquatic weeds, is not subject to permit requirements under the CWA or state law.

41. WATER QUALITY STANDARDS / TMDLS / ANTIDEGRADATION RULES / IPDES PROGRAM – UPPER SNAKE RIVER BASIN

WHEREAS, The Clean Water Act provides for the state of Idaho, through the Idaho Department of Environmental Quality, and the Shoshone-Bannock Tribes, to formulate water quality standards for various water bodies, and for impaired waters, total maximum daily loads (TMDLs) and implementation plans; and

WHEREAS, The adoption of water quality standards, TMDLs, and antidegradation rules, including litigation over the same, may impact water distribution and storage operations in Water District 1; and

WHEREAS, the State of Idaho, through the Department of Environmental Quality (DEQ) obtained EPA approval of its August 31, 2016 primacy application to take over the issuance and monitoring of pollutant discharge elimination system permits , which shall be completely transferred to DEQ by July 1, 2021.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 seek to continue the water distribution and storage operations that they have relied upon for their livelihoods, while at the same time working with state and tribal agencies to help address water quality issues in the Upper Snake River Basin.

BE IT FURTHER RESOLVED, That the water users of Water District 1 oppose any state, federal, or tribal water quality regulations, plans, policies, or permits that would negatively impact water distribution and storage operations in Water District 1, including impacts to the water users' water rights and spaceholder contracts.

BE IT FURTHER RESOVLED, That the water users of Water District 1 oppose any litigation by third parties that would seek to change any water quality regulations or plans, policies, permits, including antidegradation rules, that would negatively impact the water users' water rights and spaceholder contracts.

42. HYDROELECTRIC PROJECT RELICENSING (Hells Canyon Complex and other facilities)

WHEREAS, The Idaho Power Company and other utilities that supply electricity to water users in Water District 1 are currently in the process of relicensing various hydroelectric projects, including the Hells Canyon Complex; and

WHEREAS, Water users in Water District 1 rely upon a firm supply of power from the Idaho Power Company and other utilities; and

WHEREAS, The Hells Canyon Complex supplies approximately 70% of the hydroelectric power generated by the Idaho Power Company; and

WHEREAS, The state of Oregon previously asserted that it has authority to require passage or reintroduction of salmon and steelhead above the Hells Canyon Complex as part of any Section 401 certification under the Clean Water Act necessary for relicensing; and

WHEREAS, The state of Idaho opposes reintroduction and has passed legislation requiring the approval of both the legislature and the governor before introduction or reintroduction of species will be permitted in the State of Idaho and its waters; and

WHEREAS, The state of Oregon's position on passage had the potential to result in litigation; and

WHEREAS, fish passage is not an appropriate condition of a state's Section 401 water quality certification; and

WHEREAS, The state of Idaho, the state of Oregon, and Idaho Power Company recently reached a settlement for each state's Section 401 water quality certification that does not require passage, introduction, or reintroduction of listed salmon and steelhead above the Hells Canyon Complex in Idaho; and

WHEREAS, FERC recently issued its draft supplemental environmental impact statement (EIS) for the Hells Canyon Complex and it is expected that a final EIS will be issued sometime later in 2026.

NOW, THEREFORE, BE IT RESOLVED, That the water users in Water District 1 are opposed to passage, introduction or reintroduction of salmon, steelhead, and other species above the Hells Canyon Complex of hydroelectric dams on terms other than those provided for in the recent settlement.

BE IT FURTHER RESOLVED, That the water users of Water District 1 urge the Federal Energy Regulatory Commission (FERC), the state of Idaho and the Idaho Power Company to oppose passage, introduction or reintroduction of the species above the Hells Canyon Complex, or any study of dam removal at Hells Canyon or other locations within the state of Idaho that is inconsistent with the terms of the recent settlement.

BE IT FURTHER RESOLVED, That the water users of Water District 1 oppose all efforts by individuals, special interests groups, state or federal agencies and tribal groups to require introduction or reintroduction of salmon and steelhead above Hells Canyon Dam, or implementation of minimum flows as part of any water quality certification or any other state authorization, or as conditions of a new license for the project.

BE IT FURTHER RESOLVED, That the water users of Water District 1 support the recent settlement concerning the Idaho and Oregon Section 401 water quality certifications and urge the FERC to re-license the Hells Canyon Complex so long as the license continues to require that the water rights for said complex are subordinated to all upstream beneficial uses.

43. FAMILY FARM ALLIANCE

WHEREAS, The Family Farm Alliance is a national grass roots organization dedicated to supporting agriculture and water users both in Idaho and across the nation; and

WHEREAS, The Family Farm Alliance participates in lobbying Congress and raising awareness as to important agricultural issues, including water supply and water projects in Idaho.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 include a budget item to support participation in the Family Farm Alliance and support the Committee of Nine appointment of a person to represent the interests of Water District 1 to the Family Farm Alliance.

44. LEGISLATIVE INTERNSHIP

WHEREAS, The Idaho Water Users Association (IWUA) sponsors a legislative intern; and

WHEREAS, Water District 1 has helped support and sponsor a legislative intern through cooperation with IWUA in the past.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 support IWUA's legislative internship program by including a budget item to help sponsor a legislative intern.

45. WATER SAFETY

WHEREAS, Water District 1 has previously provided support for the state Otto Otter Program and other water safety education programs; and

WHEREAS, The Idaho Water Users Association (IWUA) has a water safety program including financial support for media awareness in Idaho; and

WHEREAS, Water Safety is an ongoing concern.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 support water safety and education throughout Idaho.

46. BLACKFOOT RIVER EQUITABLE ADJUSTMENT SETTLEMENT AGREEMENT

WHEREAS, The 1990 Fort Hall Indian Water Rights Agreement was signed by and between the Shoshone-Bannock Tribes, the United States, the State of Idaho, and the Committee of Nine (Parties); and

WHEREAS, The Blackfoot River Equitable Adjustment Settlement Agreement (Agreement) was approved by the Committee of Nine and was signed by and between the Parties and sets forth the terms and conditions of the equitable adjustment provided for in paragraph x.d of water right no. 27-11375; and

WHEREAS, The Agreement is an addendum to the Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin dated August 2, 1995; and

WHEREAS, The Agreement calls for a Blackfoot River Water Management Plan (WMP), which has been developed and signed by the Parties to the Agreement; and

WHEREAS, The Director of the Department of Water Resources issued a *Final Order Regarding Instructions to the Watermasters for Water District Nos. 1 and 27 (ORDER)*, ordering the Watermasters of Water District Nos. 1 and 27 to administer and distribute water in their respective water districts in accordance with the provisions of the WMP, effective as of the 2014 irrigation season.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 hereby recognize the approval of the Agreement and WMP.

47. BANNOCK CREEK EQUITABLE ADJUSTMENT

WHEREAS, The 1990 Fort Hall Indian Water Rights Agreement (Agreement) was signed by and between the Shoshone-Bannock Tribes (Tribes), the United States, the state of Idaho (State), the Idaho Water Resource Board (Board), and the Committee of Nine; (Parties) and

WHEREAS, Article 7.2 of the Agreement granted the Tribes a Winters Doctrine entitlement of groundwater rights within the Reservation; and

WHEREAS, The Agreement set forth the terms and conditions of the equitable adjustment provided for in paragraph x.c of water right no. 29-12052; and

WHEREAS, The equitable adjustment in paragraph x.c of water right no. 29-12052 is part of the Partial Final Consent Decree Determining the Rights of the Tribes to the Use of Water in the Upper Snake River Basin dated August 2, 1995; and

WHEREAS, The IDAPA 37 TITLE 03 CHAPTER 11 Rules for Conjunctive Management of Surface and Ground Water Resources was enacted by the State and are applicable to Bannock Creek Basin; and

WHEREAS, The Committee of Nine has authorized the Tribal Rights Subcommittee to facilitate a resolution amongst the parties.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 with the State, Board, and ground water users within the state of Idaho to negotiate a settlement of the Bannock Creek Equitable Adjustment.

48. OPPOSITION TO CONDEMNATION OF IRRIGATION AND DRAINAGE FACILITIES AND WATER RIGHTS

WHEREAS, Canal companies, irrigation districts, and other similar organizations located within Water District 1 have provided essential, reliable and affordable delivery and drainage of irrigation water throughout history; and

WHEREAS, Cities and irrigation entities within Water District 1 have a long, proud tradition of solving complex water resource problems in a cooperative fashion for the benefit of their respective residents and water users; and

WHEREAS, Certain recent disputes have arisen between irrigation entities and municipalities in other areas of the state, prompting litigation and other problems relating to this issue; and

WHEREAS, The governmental power of eminent domain may only be exercised when taking property through condemnation is necessary for public uses, and should not be abused; and

WHEREAS, Eminent domain litigation to condemn all of the property rights and facilities of irrigation entities is an abuse of the governmental power of taking property for public uses.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 authorize the Committee of Nine to take necessary steps, and encourage and support affiliated organizations and related associations to take necessary steps, to stop and prevent the abuse of governmental power, -- at the federal, state and local levels of government -- in taking existing irrigation and drainage facilities, water

rights and storage water from irrigation entities in Water District 1 and the state of Idaho through the use of eminent domain.

49. COLUMBIA RIVER TREATY

WHEREAS, The Columbia River Treaty (enacted in 1964) is an international agreement between Canada and the United States of America for the cooperative development and operation of the water resources of the Columbia River Basin for the benefit of reducing impacts from flooding and increasing power generation; and

WHEREAS, Current assured flood control operating procedures ended in 2024, independent of the Treaty termination decision; and

WHEREAS, Certain issues related to flood control, ecosystem function, or changes to Columbia River and its tributaries river operations could detrimentally affect water users in Idaho, including within Water District 1; and

WHEREAS, the United States and Canadian governments have engaged in negotiations since early 2018 and continue to work toward a new agreement on a modernized treaty; and

WHEREAS, the United States and Canadian governments reached an agreement in principle on the key elements for a modernized Treaty regime in July of 2024; and

WHEREAS, under the proposed new agreement, Canada's entitlement to downstream power benefits will decrease from approximately 1,140 MW to under 660 MW in the next year, with further reductions in subsequent years to rebalance power generation benefits between the two countries with Canada gaining more flexibility in managing its water resources and allowing Canada to "divert" and manage a portion of water independently, with a four-year lead time requirement to ensure stability and predictability for both nations; and

WHEREAS, the modernized treaty introduces new compensation arrangements for flood risk management (FRM) with the United States making annual payments to Canada, starting at $37.6 million in the first year after the treaty's implementation and an additional annual payment of $16.6 million to compensate Canada for "other benefits" the U.S. receives from Canadian reservoir operations, such as irrigation, navigation, and recreation.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 oppose any efforts related to the Columbia River Treaty process, including any new agreement, that would impose additional operating or flood control conditions on the Upper Snake River Basin or violate the spirit and intent of the 2004 Snake River Water Rights Settlement Agreement.

BE IT FURTHER RESOLVED, That the water users of Water District 1 participate through the Committee of Nine and its advisors in the Columbia River Treaty process to protect their water right interests in the Upper Snake River Basin.

50. NEW CONSUMPTIVE WATER USES

WHEREAS, the Eastern Snake Plain Aquifer (ESPA) has experienced declines in certain areas of the aquifer; and

WHEREAS, the decline in aquifer storage and levels has also affected spring flows and reach gains in certain reaches of the Snake River in Water District 1; and

WHEREAS, surface water users within Water District 1 have experienced water shortage conditions in various years due to reduced natural flows and storage availability; and

WHEREAS, surface water and ground water users are taking actions to rehabilitate the aquifer, including through settlement agreements and mitigation plans; and

WHEREAS, increased consumptive uses of water in and adjacent to Water District 1 including those for irrigation that increase the total number of acres authorized for irrigation from storage have the potential to further stress the water supplies of Water District 1 water users.

NOW THEREFORE BE IT RESOLVED, That the water users of Water District 1 require the Committee of Nine to develop necessary policies and rental pool procedures to address new consumptive water uses including those for irrigation that increase the total number of acres authorized for irrigation from storage that could reduce the water supply.

51. SNAKE RIVER WATER RIGHTS ACT OF 2004

WHEREAS, The Nez Perce Tribe, and the United States on behalf of the Tribe, filed several thousand water right claims in the Snake River Basin Adjudication (SRBA); and

WHEREAS, The Tribe's water rights claims threatened virtually every water right claim in the Snake River Basin; and

WHEREAS, The Term Sheet and Snake River Water Rights Act of 2004 (Settlement) resolved all of the Tribe's water right claims in the SRBA, which included: 1) a complete waiver of all instream flow claims, both on and off the reservation; 2) a complete waiver of all springs and fountains claims on private and State lands; and 3) a reserved consumptive use water right for on reservation purposes of 50,000 acre-feet; and

WHEREAS, The Settlement preserves Idaho's sovereignty over its water resources, provides critical Endangered Species Act and Clean Water Act protections for Idaho water users, protects Idaho's agricultural economy and all existing water rights while allowing for future economic development, and avoids continued litigation over the Tribe's claims; and

WHEREAS, The Settlement has widespread support from numerous industries and agricultural groups across the State of Idaho; and

WHEREAS, The Settlement was approved by the Committee of Nine; and

WHEREAS, Congress ratified and approved the Settlement through adoption of the Snake River Water Rights Act of 2004; and

WHEREAS, The Idaho State Legislature ratified and approved the Settlement and implementing legislation during the 2005 Session; and

WHEREAS, The Nez Perce Tribe approved the Settlement in 2005; and

WHEREAS, the initial term of the Nez Perce Agreement expires in 2034 and water users of Water District 1 have begun initial review, analysis and conversations regarding an extension of the agreement.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 fully support the Snake River Water Rights Act of 2004 and implementation of the Term Sheet.

BE IT FURTHER RESOLVED, That the water users of Water District 1 support the rental obligations agreed upon in the Flow Augmentation Chart of the Water District 1 Rental Pool Procedures including the last to fill provisions as agreed upon in the Term Sheet.

BE IT FURTHER RESOLVED, that the water users of Water District 1 urge the water user community to begin engaging its members, the State of Idaho, Bureau of Reclamation and Nez Perce Tribe regarding a possible extension of the Agreement following its initial term.

52. REINTRODUCTION LISTED SALMON/STEELHEAD

WHEREAS, water users in the Upper Snake River Basin are actively engaged in various negotiations, discussions, meetings and other matters throughout the region concerning salmon and steelhead listed under the Endangered Species Act (ESA); and

WHEREAS, the water users of Water District 1 are represented in these forums through appointments and recommendations from the Committee of Nine; and

WHEREAS, the water users of Water District 1 have common interests with water users throughout the State of Idaho and have coordinated their efforts through the Federal Instream Flow Coalition (FIFC); and

WHEREAS, through the FIFC, water user engagement has included Columbia Basin Partnership, Columbia Basin Collaborative, the Columbia River Treaty negotiations, litigation relating to operations of the Federal Columbia River Power System (FCRPS), relicensing efforts for the Hells Canyon Complex (HCC), efforts for salmon and steelhead reintroduction above the HCC, and other processes; and

WHEREAS, this engagement includes attending meetings, participating in workgroups, negotiations, speaking engagements and advocacy / education visits to regional and federal offices (including congressional offices, agency offices, etc.); and

WHEREAS, water users were involved in Governor Brad Little's Salmon Workgroup, which issued certain policy recommendations for the State of Idaho in December 2020, including the following policy relating to reintroduction of salmon and steelhead in Idaho

> **Blocked Area Fisherie**s: Support adult salmon and steelhead put-and-take Tribal and non-Tribal fisheries in blocked areas, consistent with Idaho State policy, through use of state allocated, non- ESA listed adults.
>
> As used in this policy, the term "blocked areas" refers to the historical salmon and steelhead habitat above the Hells Canyon Complex, on the North Fork of the Clearwater above Dworshak Dam, and on Hangman Creek.
>
> 1. No reintroduction of ESA-listed fish to blocked areas is supported by the State of Idaho.
> 2. The reintroduction of non-ESA-listed fish to blocked areas must be consistent with Idaho state statutes (§67-302 and §67-818(5)), which require approval by both legislative (§67-6302) and executive branches of Idaho government (§67-818(5)) and is otherwise prohibited.
> 3. The reintroduction of non-ESA-listed fish to blocked areas upstream must be consistent with Idaho's and Oregon's commitments in the 401 Water Quality Certification Settlement Agreement with Idaho Power Company pertaining to the FERC Application for the HCC Re-licensing (2019 Settlement Agreement).
> 4. Idaho will continue to focus the following funding sources to ESA-listed fish recover and achieving mitigation objectives in connected areas: BPA's Fish and

Wildlife Program, Idaho Fish Accord, NOAA's Pacific Coastal Salmon Recovery Fund (PCSRF) Program, USFWS's Lower Snake River Compensation Plan (LSRCP), and/or other federal funding sources intended to implement the 2019 FCRPS BiOp or subsequent FCRPS BiOps. The intent is to ensure recovery of stocks and to meet LSRCP mitigation objectives in connected areas with the above referenced funding sources and not diminish these efforts by diverting from the above referenced funding sources to implement put and take fisheries in blocked areas.

5. So long as the above conditions are met, Idaho supports put and take fisheries in blocked areas with the following provisions:

    a. A non-ESA listed hatchery stock must be identified and agreed upon among the parties intending to stock fish in blocked areas with state fisheries managers.
    b. Locations and timing for stocking of non-ESA listed fish must be identified and agreed upon by the parties intending to stock fish in blocked areas with state fisheries managers.
    c. Idaho does not support the collection or transport of any juvenile fish that may be produced by adult outplants intended for harvest in the agreed upon put and take fisheries.; and

WHERAS, continued engagement is necessary to monitor these processes and ensure water user interests are protected. For example, various groups in the above-referenced forums have proposed reintroduction of listed salmon and steelhead to parts of the Snake River and its tributaries above the Hells Canyon Complex.

NOW, THEREFORE, BE IT RESOLVED, That the water users of Water District 1 support the policy recommendations of Governor Brad Little's Salmon Workgroup; and

BE IT FURTHER RESOLVED, That the water users of Water District 1 support that any introduction of hatchery fish not impact any diversions of water within the state of Idaho; and

BE IT ALSO FURTHER RESOLVED, That the water users of Water District 1, through its representatives, continue to participate in regional forums that address listed salmon and steelhead issues in order to protect the water users' interests; and

BE IT ALSO FURTHER RESOLVED, That the water users of Water District 1, through its representatives, oppose proposals or efforts to introduce or reintroduce listed salmon and steelhead into the Upper Snake River Basin above the Hells Canyon Complex, on the North Fork of the Clearwater above Dworshak Dam, and on Hangman Creek.

53. U.S. BUREAU OF RECLAMATION TITLE TRANSFER

WHEREAS, title transfer is a means of conveying ownership of U.S. Bureau of Reclamation ("Reclamation") facilities to irrigation and spaceholder entities; and

WHEREAS, Reclamation recognizes that title transfer provides the non-federal entity with greater autonomy, flexibility, and the ability to manage such facilities more efficiently with potential cost savings to mee their current needs; and

WHEREAS, several irrigation districts in Idaho, including in Water District 01, have demonstrated a successful history of title transfer of certain Reclamation facilities; and

WHEREAS, Congress enacted the John D. Dingell, Jr. Conservation, Management, and Recreation Act, Public Law 116-9, Title VIII, Subtitle A, Sec. 8006 in 2019 that streamlines the process for certain title transfers; and

WHEREAS, the Committee of Nine recognizes that water supplies in the Upper Snake River Basin above Milner are limited and require proper management to meet Water District 01 water users' needs; and

WHEREAS, potential title transfer of certain federal dams may benefit spaceholders and water users in Water District 1; and

WHEREAS, the Committee of Nine acknowledges that operations of federal facilities often introduce extra costs that may be avoided through private ownership of such facilities, thereby financially benefitting spaceholders, as well as providing the opportunity for more flexible reservoir operations; and

WHEREAS, negative impacts from title transfer are currently anticipated to be minimal due to the high percentage of expenses that shareholders already pay for operation of Island Park and American Falls Reservoirs and operation of Island Park Dam is already facilitated by Fremont-Madison Irrigation District; and

NOW, THEREFORE, BE IT RESOLVED, that the water users of Water District 1 support exploring the feasibility of title transfer of American Falls and Island Park dams to the spaceholders, and direct the Committee of Nine to initiate such requests with Reclamation to evaluate the same.

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