

MEMORANDUM

TO: Ethan Geisler

FROM: Nick Miller 

DATE: 09/14/2026

RE: Mitigation representation in the Boise River Water Right Accounting for City of Boise Rights listing 63-243G as the mitigating right

Background

The City of Boise ("City") and Barber Mill Investments, LLC ("BMI") hold water rights 63-33341, 63-33052, and 63-34625 (City, for Marianne Williams Park and Golda Harris Nature Reserve) and 63-34258 (BMI, for Barber Station), each mitigated through shares held in South Boise Mutual Irrigation Company ("SBMIC"). Per the Water Share and Water Supply Agreement ("Agreement") dated March 31, 2011 (amended June 4, 2019) among SBMIC, the City, and BMI, SBMIC water right 63-243G was designated in IDWR's records as the mitigating right.

SBMIC's water right portfolio, per the Snake River Basin Adjudication, includes: 63-242B, 63-243F, 63-243G, 63-280, 63-281, 63-282, 63-283A, 63-284A, and 63-2392E.

Issue

Because 63-243G carries the most junior priority date (5/1/1889) among SBMIC's natural flow portfolio, the accounting program has been curtailing the Williams Park diversion and charging them storage use, based on that single junior water right. This results in the City and BMI being cut off from natural flow, and charged storage earlier and more frequently than SBMIC's other shareholders, who continue to receive natural flow under SBMIC's more senior rights until those rights are themselves curtailed. This is inconsistent with the intent of the Agreement and the approved mitigation plans, which the City, BMI, and SBMIC have jointly confirmed in their January 16, 2026, letter to this office.

Direction

Please administer Marianne "Williams Park diversion" under water rights 63-33341, 63-33052, 63-34625, and 63-34258 as follows:

1. Treat these rights as mitigated proportionally by SBMIC's entire water right portfolio (63-242B, 63-243F, 63-243G, 63-280, 63-281, 63-282, 63-283A, 63-284A, and 63-2392E), consistent with the terms of the Agreement and the approved mitigation plans for Permits 63-33341 and 63-33052.
2. Do not administer these diversions based solely on the priority date of 63-243G. Instead, administer to all of SBMIC's water rights. This can be executed in the Water Right Accounting Program as a combined diversion.
3. Coordinate with the Water District 63 Watermaster to confirm the accounting methodology change and update the weekly accounting run accordingly.

Treating these as a combined diversion more accurately represents the use of SBMIC shares for both the City and SBMIC and is not inconsistent with the faces of the rights.