

2D - INSTREAM FLOW

The Board will exercise its authority to establish and to protect minimum stream flow water rights on those water bodies where it is in the public interest to protect and support instream uses.

Discussion:

Instream flows protect and support many nonconsumptive, beneficial uses of water such as fish and wildlife habitat, aquatic life, recreation and aesthetic values, transportation, navigation, hydropower generation, and water quality. These uses contribute to Idaho's economy and the well being of its citizens.

In 1971, the legislature authorized the first formal appropriation of minimum stream flows by directing the Idaho Department of Parks and Recreation to appropriate a specific reach of Niagara Springs in the Malad Canyon area for instream flow purposes. The 1976 State Water Plan called for and eventually legislation was enacted creating a state-wide minimum stream flow program. The ability to obtain state-based minimum stream flow water rights in Idaho lies exclusively with the Board. Chapter 15, Title 42, authorizes the Board to appropriate the minimum flow of water required to protect designated uses if the appropriation is in the public interest and will not interfere with any vested water right, permit, or water right application with a senior priority. Idaho currently has 297 licensed or permitted water rights for minimum stream flow purposes, including 3 minimum lake level water rights. At the legislature's direction, 205 of the minimum stream flow water rights were adopted pursuant to the Snake River Water Rights Agreement which, as discussed more fully in Policy 6B, provided a programmatic approach to addressing the needs of species listed under the federal Endangered Species Act. Similarly, the legislature has authorized the Board to appropriate minimum stream flow water rights in the Lemhi and Wood River basins where the rights are maintained through operation of the Water Supply Bank. These locally managed programs are used to maintain or enhance instream flow in a manner that respects water use practices and addresses community concerns.

The Board supports efforts to obtain storage and natural flow rights to improve and maintain instream flows when in the public interest. The Water Supply Bank and local rental pools are tools that can be used to improve instream flows through voluntary cooperation and to meet local needs. To facilitate their use throughout the state for use in improving and sustaining minimum stream flows, statutory changes are needed authorizing the Board to establish local rental pools at the request and in cooperation with local communities. Statutory changes are also needed to authorize the Board to apply for a change in the nature of use of an acquired right, where the Board has determined that a minimum stream flow water right is in the best interest of the state.

Implementation Strategies:

- Establish local rental pools to meet instream flow needs as requested
- Submit applications for minimum stream flow water rights that are in the public interest

- Coordinate with state and federal agencies and stakeholders to identify potential minimum stream flow needs

Milestones:

- Minimum stream flow water rights established
- Annual inventories of instream flow water rights completed

Recommendations:

- Revise Chapter 15, Title 42 to authorize the Board to establish local natural flow rental pools as needed
- Revise Chapter 15, Title 42 to authorize the Board to transfer acquired water rights to minimum stream flow water rights

2E- STATE PROTECTED RIVER SYSTEM

~~The Board will exercise its authority to protect the A system of state protected rivers exists to protect the unique features of rivers where it is in the public interest to protect and related lands for recreational, scenic, and natural values.~~

Discussion:

~~Idahoans have expressed a desire to retain some rivers or river reaches in a free flowing condition.~~ Idaho Code Section 42-1734A(1) authorizes the ~~Board~~ Idaho Water Resource Board to protect highly-valued waterways as State protected rivers. The authority to designate “protected rivers” derives from the State’s ownership of the beds of navigable streams and the state’s right to regulate all waters within the state. ~~The Board has consistently recognized the value or free-flowing waterways by designating specific streams and rivers as natural or recreational rivers.~~

~~Although rivers can be protected under the federal Wild and Scenic Rivers Act, the Board encourages federal officials to seek protection of streams and rivers through the~~

~~The Idaho Water Resource Board encourages the federal government to work within the Comprehensive State Water Planning process. The state to ensure coordinated water planning between the state and federal agencies rather than independently pursuing federal protection of waters within Idaho. The Comprehensive State Water Planning process provides a means for ensuring coordinated and efficient water planning for Idaho rivers and streams and avoids potential state/federal sovereignty conflicts by both federal and state governments.~~

Implementation Strategies:

- ~~e~~Coordinate with local governments and federal agencies to identify specific waterways for consideration as protected rivers. (MOUs)
- ~~d~~Develop priority list of potential rivers for consideration in ~~for~~ comprehensive basin planning
- ~~Establish agency policy and procedures to ensure requirements of protected rivers program are addressed when IDWR is reviewing water right permit applications and stream channel alteration permits. In basins which have Comprehensive Basin Plans, IWRB staff should familiarize IDWR staff with requirements in the plans~~
- ~~Coordinate with IDWR staff to review water right applications to determine if water rights permits can be issued on protected rivers~~
- ~~Ensure that permits issued include provisions for the Support IDWR review activities seeking stream channel alteration permits or water rights in protected rivers or river reaches, if allowed, applicant shall demonstrate how the proposed development will protection, restoration or e-or enhancement of designated river reaches. those waters.~~

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Milestones:

- Progressive review of state rivers and streams for determination of whether they should be designated.~~Number of Protected River designations~~
- Number of state/federal agreements to coordinate river planning implemented~~Wild and Scenic River designations negotiated~~
- Designation of streams or rivers determined to warrant protected status.~~Number of MOU/MOAs implemented~~

2F- RIPARIAN HABITAT AND WETLANDS (The Board may want to consider a single policy focused on the protection of instream values that includes the policies on minimum stream flow and protected rivers, stream channel alteration, and this policy section as strategies for protecting these values.)

Protecting the ecological viability of riparian habitat and wetlands within the state is a critical component of watershed planning.

Discussion:

Functional Riparian zones and wetlands contribute to water quality protection, storm water control, and ground water protection and provide important habitat for fish and wildlife. Riparian and wetlands areas cover approximately 20% of the state and support 80% of the species in the state. ~~The practice of good stewardship for managing public and private~~ Riparian zones and wetlands should be protected to preserve their ecological values.

The integration of water resource and land use planning activities that affect riparian zones and wetlands requires coordination among various local, regional, and state authorities. The IDWR has exclusive authority over the appropriation of the public surface water and ground waters of the state. The Local Land Use Planning Act authorizes local governments to control land use and development. The Idaho Stream Channel Protection Act Idaho Code Sections 42-3801 thru 42-3812 regulates the alterations of stream channels and stream beds below the mean high watermark. The Idaho Department of Environmental Quality administers its Nonpoint Source Management Program which is based upon strong working partnerships and collaboration with state, tribal, regional, and local entities, private sector groups, citizens' groups, and federal agencies and the recognition that a successful program must be driven by local wisdom and experience.

In 2008, the Idaho Wetlands Working Group developed a Draft Wetland Conservation Strategy which sets out a framework for protecting, restoring, and enhancing wetlands through collaborative, voluntary approaches. The ~~Board~~ supports voluntary watershed-based conservation strategies for the protection of riparian and wetland lands above the mean high watermark developed and implemented through collaboration with water users, land managers, local governments, and state and federal agencies.

Implementation Strategies

- Support collaborative ~~Coordinate with watershed planning and the implementation of voluntary strategies to protect Idaho's wetlands and riparian areas. local & federal agencies~~
- Support the development of ~~With support and consultation of appropriate agencies and stakeholders, develop definitions/designations for riparian areas. Develop suitable protection guidelines and strategies to assist in the implementation of projects that protect, restore, and enhance Idaho's wetlands and riparian areas.~~
- Evaluate whether the ~~, which could include enhancing the~~ Stream Channel Protection Act assists ~~in the protection of wetlands and riparian areas and propose statutory changes as appropriate. to include delineated wetlands and riparian areas and evaluate implementation language for Idaho Code.~~

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- Assist state and federal agencies and stakeholders in the acquisition of ~~Seek funding for project implementation~~ to provide support to individuals or organizations to protect, restore, and enhance wetlands and riparian areas, consistent with the stated policy

Milestones:

- Project and funding proposals submitted.
- Projects implemented. ~~Funding requests and action plans to support the policy.~~

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2G- STREAM CHANNEL REHABILITATION

The costs and benefits of stream channel rehabilitation should be evaluated where ~~past activities adversely affect or could be currently or could potentially~~ affect the ecological goods and services of the state's watersheds. (Note - 1996 policy simply proposed evaluating costs and benefits although discussion section proposed rehabilitation or remedial action where benefits outweigh costs.) The Board might want to consider the following policy statement "The Board will support cost effective stream channel rehabilitation where past activities adversely affect or could affect the ecological goods and services of the state's watersheds."

Discussion:

Functional stream channels provide ecological goods and services desired by the public. Ecological goods are those qualities that have economic value, such as timber resources, habitat that supports fishing and hunting, and aesthetic qualities of landscapes that would attract tourists. Ecological services include systems that best manage water resources such as the regulation of runoff and flood waters or the stabilization of landscapes to prevent erosion. ~~-Damage and destruction of stream channels can result from natural and human-caused changes and disturbances, catastrophic flooding, human disturbances, and other natural events. Where current practices, legacy effects of past activities, or natural disturbances. The functional loss of impacted stream channels may threaten public safety, private property, and the overall quality and quantity of water produced in the affected watershed. It is in the state's interest to take remedial action appropriate for the State to take action in a cost effective manner. In many instances, historical targets for restoration are not practical and therefore restoration efforts should be designed to be sustainable in a rapidly-changing environment. Preventing damage is more cost effective than restoration and it is in the state's interest to ensure that the stream channels of the state and their environments be protected. to rehabilitate impacted stream channels where public safety may be threatened, or where the remedial costs are less than the potential damages.~~

~~Where current practices or legacy effects of past activities have adverse impacts on stream channel integrity or function and threaten public safety and water resources values, and where liability cannot be established, the State should take remedial action.~~

Implementation Strategies:

- ~~Conduct~~ complete a statewide inventory of streams where natural events or human activities have altered channels and the disturbances that threaten the public safety, private property, or other water resource values.
- ~~Conduct~~ complete a cost/benefit analysis for rehabilitation of affected streams.
- Prioritize projects
- Obtain funding for restoration of ~~to conduct rehabilitation for~~ prioritized identified streams

Milestones:

- ~~Completed~~ inventory conducted

- ~~Completed~~ Cost/benefit analysis is conducted and priorities established
- Funding obtained
- Projects implemented

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2H - RADIOACTIVE WASTE MONITORING

A program to monitor the handling and storage of radioactive wastes should be maintained for the protection of the water resources of Idaho.

Discussion:

Activities associated with the management of radioactive materials and the production of nuclear energy pose potential threats to the environment and the health and safety of Idaho's citizens as well as the State's economic security. At least two facilities in Idaho are currently managing large volumes of radioactive materials which, if not properly controlled and monitored, could pose a threat to the Snake River and its aquifer. In addition, with the Nation's renewed interest in energy independence, an increased reliance on nuclear power is anticipated. At least one such facility is currently seeking licensure for construction in the State of Idaho and it is possible that more such licenses could be sought.

The Idaho National Laboratory (INL), near Arco, sits on top of the Eastern Snake Plain aquifer, the primary drinking water supply to one third of the state's population and for approximately half of the irrigated lands. Protection of this vital water supply from radioactive contamination is imperative for both the physical health of the population and the economic health of the state. The Department of Environmental Quality's (DEQ) has numerous programs related to the clean-up and control of radioactive contamination. DEQ's National Laboratory (INL) Oversight Program was established in 1989 and maintains an independent environmental surveillance program designed to verify and supplement INL monitoring programs, provides independent information about the Idaho National Laboratory to the citizens of Idaho. In order to verify and complement the monitoring conducted by the U.S. Department of Energy and its contractors, The program database tracks emissions from site facilities and monitors the behavior of contamination in the aquifer. The program publishes technical reports for use by other scientists and a newsletter for the public. DEQ independently monitors potential impacts on air, water, soil, and ~~milk~~biota resulting from INL activities. ~~at the INL.~~ DEQ also oversees clean-up of contamination at the INL under a Federal Facility Agreement and Consent Order and removal of radioactive waste from Idaho under a 1995 Settlement Agreement between Idaho and the United States' Navy and United States Department of Energy. These agreements combine to require DOE to remove large quantities of radioactive waste from Idaho and to otherwise clean up and control existing sources of contamination so as to protect ~~he~~ Eastern Snake River Plain Aquifer. Some of the monitoring sites are the same as, or are co-located with, federal monitoring locations, while others have been located so as to provide information that would not otherwise be available. Monitoring results are reported quarterly, with an annual summary and assessment of impact on the environment and people of Idaho.

The ~~The~~ IWRB Idaho Water Resource Board supports DEQ's oversight of the INL and implementation of the agreements. The IWRB will continue its work with DEQ to ensure that the handling, storage, and removal of radioactive waste are consistent with the State Water Plan, supports the Governor's agreement on radioactive waste storage and removal at INL.

DEQ also regulates the receipt and disposal of low activity radioactive waste at facilities such as the United States Ecology Incorporated (USEI) site located near Grandview, Idaho under the Rules Regulating the Disposal of Radioactive Materials not Regulated Under the Atomic Energy Act of 1954 As Amended (Rules) IDAPA 58.01.10.000-041. The Rules impose monitoring requirements and waste acceptance criteria on USEI. The IWRB will continue its work with DEQ to ensure that the handling and disposal of low activity radioactive waste at USEI or other facilities seeking such material are consistent with the State Water Plan.

With renewed interest in energy independence, uranium enrichment and nuclear power production are potential sources of future development along the Snake River. Radioactive waste management as well as other sources of water pollution such as thermal discharges associated with these facilities will be a continuing issue. In addition to the application of existing water quality standards, the state should use existing standards for water quality and take other such actions it deems necessary to ensure that radioactive and other associated pollution discharges from nuclear power production waste will not impair Idaho's water resources. A limitation on the ability of the State to regulate this type of activity, however, is the lack of an approved Clean Water Act, National Pollution Discharge Elimination System (NPDEW) permitting program. the ability to use water beneficially. The IWRB will take an active role in all future discussions regarding the proposed construction of nuclear power plants and will take any actions necessary to protect the beneficial use of water. If new nuclear power plants are constructed, independent monitoring programs are encouraged

Implementation Strategies

- Coordinate with IDEQ to ensure that INL oversight is consistent with the state water plan. eoordination with IWRB to comply with SWP
- Coordinate with DEQ to ensure that regulations related to the disposal of low activity radioactive waste not regulated by NRC are consistent with the state water plan.
- Support DEQ's efforts to obtain delegation for a NPDES Permit Program from the United States Environmental Protection Agency.
- Provide technical assistance and guidance in proceedings related to the proposed construction of nuclear power plants.

2J - FLOOD HAZARD AREAS

Protection of floodplains through sound floodplain management and pre-disaster mitigation is essential to vital in reducing and/or preventing flood damages.

Discussion:

- Floods are the most frequent and costly disasters in Idaho and. ~~Floods~~ can occur in most any area of the state. With population growth, there will be increased interest in the development of lands subject to periodic flooding. In order to create safer communities and reduce the loss of life and property due to flood events, local governments are encouraged to use land use controls, building practices, and other tools to ~~should plan for flood hazards and manage development to~~ protect the natural function of floodplains, floodplain's natural function and to prevent increased flood risk to other property. The Federal Emergency Management Agency's Flood Map Modernization Program provides updated maps and data for local decision making and enables the end user to more accurately assess the level of flood risk within a community and take appropriate measures to mitigate their physical and financial vulnerability to flooding. With this information, communities can develop a more comprehensive approach to flood disaster mitigation planning.

Prospective property buyers should be made aware of identified flood hazards. The desires to develop lands subject to periodic flooding will continue to increase as population increases.

In order to provide maximum opportunity for the citizens of Idaho to obtain improved better and more reliable flood insurance, the National Flood Insurance Program should be adopted statewide. This program requires that local governments adopt minimum regulations and building standards in order to be eligible for national flood insurance and certain types of federal loans, grants and disaster assistance. Flood Insurance Rate Maps (FIRMs) prepared by the Federal Emergency Management Agency for specific waterways within Idaho are available through IDWR, the Idaho Department of Water Resources.

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Implementation. Strategies:

- ~~IDWR should e~~Coordinate with the Army Corps of Engineers, FEMA and the Idaho Bureau of Homeland Security to develop a comprehensive get an overview of flood prone areas across the state.
- Assist local, state, and federal agencies in securing to secure funding to update and complete FIRMs for the entire state.
- Provide information on flood plain management to public and private organizations involved in land development. Support distribution of information about flood plain management through meeting with real estate organizations and other groups

Recommendations:

- Amend chapter 25 ~~in~~ title 55 of the Idaho Code to require that sellers of real property must disclose whether the subject property is located in a mapped flood hazard zone. (Board asked for further information about this recommendation.)

- Amend chapter 10 title 46 of the Idaho Code ~~Sections 46-1020 through 1025~~ to make the National Flood Insurance Program mandatory in Idaho cities and counties.
- (Any recommendations regarding Board granting funds for activities in flood plain?)

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3B - HYDROPOWER SITING

The expansion of hydropower capacity and generation consistent with the state water plan can help meet the need for affordable and renewable energy resources. New hydropower development in Idaho is encouraged if in conformance with the Comprehensive State Water Plan.

Discussion:

Hydropower provides a clean, efficient, and renewable energy source and historically, supplied the bulk of Idaho's power. The state and region's power demand is expected to increase substantially over the next several decades as the population continues to grow. The Idaho Water Resource Board is charged with the responsibility for planning for the optimum development of the water resources of the state through policies and water allocations which reflect the public interest. Opportunities for increasing capacity while preserving environmental protection include enhancing incremental capacity at existing sites through new technologies that yield greater energy efficiency, adding generation capacity at existing non-powered dams, and the development of generation capacity in conjunction with the construction of new water storage projects.

First and foremost, the IWRB supports the promotion of a more efficient use of energy throughout Idaho's economy, implementation of efficiency improvements at existing sites, and retro-fitting non-power sites. Feasibility studies for new water storage projects should include evaluation of the costs, benefits, and adverse consequences of hydropower generation.

Under 16 U.S.C. §803, the Federal Energy Regulatory Commission must determine that proposed projects are consistent with Idaho's comprehensive water plans when making licensing decisions. The IWRB will review hydropower development proposals to determine whether they are consistent with the state water plan, including the comprehensive basin and river plans which address region-specific siting issues. Consistent with Policy IP, all applications, permits, and licenses for the use of water for hydropower production shall be subordinated to future depletionary beneficial uses. Any base flows for hydropower generation should be established by the Board under the minimum stream flow statute, chapter 15, title 42.

Specific hydropower siting issues are addressed in the Idaho Water Resource Board's comprehensive basin or river plans. Under 16 U.S.C. §803, the Federal Energy Regulatory Commission must consider State comprehensive plans when making hydropower siting decisions.

The IWRB recognizes that new storage projects will be necessary to meet future water demands and encourages the development of hydropower facilities to be considered with new storage projects. Hydropower provides a clean, efficient, and renewable energy source. The Board encourages that new hydropower resources be developed at dams having hydropower potential which do not currently generate power or do not generate at their maximum potential to meet the future energy needs. New structures or projects should be carefully evaluated to insure that the benefits to the state outweigh any negative consequences associated with the proposed development. The Idaho Water Resource Board will evaluate individual hydropower developments within comprehensive plans for specific river basins or waterways.

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~~As a general policy, the Idaho Water Resource Board believes that energy conservation and efficiency improvements should receive primary consideration to meet increasing energy needs. The State of Idaho will be best served through conservation and the upgrading the efficiency of existing energy systems. These measures are attractive because of their low costs, short lead time, and flexibility.~~

Implementation Strategies:

- ~~Establish procedures for coordinating review and oversight of~~ Develop a process to coordinate review and oversight of hydropower siting proposals with the Idaho Office of Energy Resources, state and federal agencies, and stakeholders, by ~~private and public entities.~~
- Include evaluation of ~~Evaluate~~ hydropower potential in feasibility studies for water storage projects. ~~during studies~~

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Milestones:

- ~~Verify that all new h~~Hydropower siting proposals comply with the Comprehensive State Water Plan.

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3D - RESEARCH PROGRAM

Focused research is necessary to support water resource planning and collaborative solutions to the increasing demands on the state's water supplies. Encourage and conduct research on important water resource topics.

Discussion:

Research and data gathering are essential to the state's efforts to meet future water challenges in a sustainable way. Adequate data on water availability, use and efficiencies, surface and groundwater interaction and relationships, and emerging water management technologies is needed to help water managers and end-users make sound decisions and develop adaptive strategies for responding to the impacts of climate variability. Basic research and analysis is crucial for planning and management of water resources in Idaho. Data collection and research is conducted by numerous public and private entities. The cooperative exchange of information among groups contributes to more efficient use of limited financial resources for research and monitoring necessary to further the state's water supply objectives. In addition, there are gaps in data specific to Idaho that should be addressed immediately regarding water programs in Idaho. While water programs in Idaho can incorporate information from research in other states, more research dealing with specific problems in Idaho is needed. Topics that need immediate attention include:

- water use efficiency,
- water use optimum monitoring programs for water use,
- ground and surface water relationships, specifically with regard to the timing and spatial distribution of pumping and recharge efforts,
- ground water flow models, and
- cooperatively developed system operation modeling methods techniques for Idaho river basins.

Implementation Strategies:

- Facilitate coordination and dissemination of, and sharing of research and data among state and federal agencies, universities, and private entities, results and communication with other agencies
- Identify and prioritize research needs. Develop list of research topics and propose to researchers

Milestones:

- Establishment and participation in coordination groups
- Completed research projects
- Application of research results to application to planning and management

Recommendations:

- Identify dedicated funding sources for basic and applied research

3E - FUNDING PROGRAM

State, Federal and other funds should be sought to assist in and support the development, preservation, conservation, and restoration of the water ~~and related~~ resources of the state.

Discussion:

~~The water resources of the state are essential to Idaho's economy and its citizens. Resources, both budgetary and workforce, for planning and water resource projects will need to come from a variety of sources. Funding approaches for water planning and management should be based on flexible strategies that are broad-based and provide equitable benefits. As state and federal budgets become more limited, partnerships between public and private entities will be required, and water use assessments or fees may provide a vehicle for achieving regional resource goals important to end users.~~

~~The Idaho Water Resource Board's Revolving Development Fund and the Water Management Account are alternatives for achieving the goals of this policy. The fund and the account are supported by the appropriation of moneys from the state's general fund, federal funds, and other revenue sources. These programs have and will continue to provide financial assistance to project sponsors for water development and conservation, system rehabilitation, and water treatment projects.~~

~~The IWRB is also authorized to Idaho Code Section 42-1734 provides that the Idaho Water Resource Board may finance water projects with lend the proceeds of the sale of revenue bonds, to a local water project sponsor or sponsors. The issuance of revenue bonds does not constitute a general obligation of the State of Idaho or the Idaho Water Resource Board.~~

~~Recommend that reference to and discussion of specific CAMP funding mechanisms be set aside for consideration at a later date.~~

~~Funding approaches for water planning and management should be based on flexible strategies that will be broad-based, available to all water users and provide for equitable benefits while minimizing interest expenses. This funding approach should include state and private funding, assessments from water users, and funding from IWRB financial programs. The approach should also provide for an efficient means for revenue collection.~~

~~ESPA-CAMP calls for the creation of a joint state-private partnership including mechanisms to collect funds from project participants and other beneficiaries. Potential funding strategies including a state water management project and state water fund as described in the ESPA-CAMP should be considered. A collection approach that should be further evaluated involves using water districts as vehicles for collecting contributions from water user groups, including irrigated agriculture, municipalities, spring users, and industrial/commercial users.~~

Implementation Strategies:

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- ~~Evaluate~~ IWRB financial program procedures ~~uses and procedures should be evaluated~~ to determine whether revisions are needed to make the programs more accessible and efficient. ~~identify areas which are unclear or can be streamlined~~
- ~~Investigate and e~~Coordinate and cooperate with neighboring states ~~to identify and implement for cooperative~~ water projects.
- ~~Establish funding mechanism to implement~~ ESPA-CAMP.

Milestones:

- Financial programs and funding approaches ~~meet are modified to address~~ the future needs of the state.
- ~~Funds in place to implement~~ ESPA-CAMP.

3G - WATER RIGHTS ADJUDICATION

The Snake River Basin and North Idaho Adjudications should be completed to provide certainty and predictability in the administration and distribution of water rights in the respective basins. of water rights through the state courts should be completed to fully define and quantify all state, tribal and federal water rights.

Discussion:

The purpose of a general stream adjudication is to provide certainty and predictability in the administration and distribution of water diverting from hydraulically connected water sources. The need for a general adjudication of water rights in the Snake River Basin became apparent as the spring flows in the Thousand Springs reach began to decline and disputes arose over the availability of water supplies on the Snake River Plain. As part of the 1984 Swan Falls Agreement, the State agreed to commence the Snake River Basin Adjudication, the largest legal proceeding in the history of the state. The SRBA is the cornerstone for the long-term management of the Snake River Basin within Idaho. At the conclusion of the SRBA, the state will have a listing of all water rights within the basin, which is the predicate for establishing water districts to administer all water rights in accordance with the prior appropriation doctrine, as established by law. of water rights is often necessary to sort out overlapping or incomplete claims for the use of surface and ground water resources. These conflicts need to be resolved if the resources are to be managed effectively. Effective programs can then be applied to assure that water is diverted and used in accordance with valid rights.

On November 12, 2008, Federal agency and tribal water rights claims in Idaho must be identified and quantified to regulate existing water rights and plan for future needs. As a part of each effort to identify and quantify federal agency and tribal water rights, the protection of existing water rights must be considered. The State should seek to negotiate these rights whenever appropriate. the district court ordered the commencement of an adjudication in the Coeur d'Alene Spokane River water system. Like the SRBA, the determination of all existing water rights from the water basins in Northern Idaho will provide the basis for administration of water rights in accordance with the prior appropriation doctrine, as established by law.

The IWRB Idaho Water Resource Board has the responsibility is the lead agency for to coordinating state participation in the negotiation of federal reserved water rights, including tribal claims. In the SRBA, the IWRB successfully negotiated agreements resolving federal reserved right claims including those filed by the activities related to the negotiation of reserved water rights with Idaho Tribes. Negotiations with the Shoshone-Bannock, Nez Perce, and Shoshone-Paiute tribes as well as the claims of numerous federal agencies. The final settlement of the Nez Perce Tribe's claims reflected the tribe's and the state's shared interest in addressing environmental concerns and addressed the conflicting demands for consumptive and nonconsumptive uses. over the Fort Hall water rights and the Nez Perce Snake River Agreement are two examples of successfully negotiated settlements. The IWRB intends to play a similar role in the Northern Idaho Adjudication.

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3H - CLIMATE VARIABILITY

Preparedness goals should be developed to account for the impact of climate variability on the state's water supplies. Climate Change resilience and preparedness goals should be guiding principles for Idaho water resource management.

Discussion:

Evidence suggests that currently the Earth's climate is warming and that warming is likely to continue into the foreseeable future. Average temperatures in the western United States have risen 2-5 degrees during the 20th century and are predicted to continue rising into the future. While recognizing the uncertainties inherent in climate prediction, it is important to anticipate how a warming climate can potentially affect water supplies and plan accordingly. Considerable efforts need to be focused on identification of climate related risks and building resiliency to climate extremes.

Climate experts are less confident about how continued warming will affect the overall amount of precipitation Idaho receives, but changes in seasonal stream flows and the experts have already documented changes in runoff timing and increased annual variability have been documented. It is expected that seasonal flows in snowmelt-fed rivers will occur earlier, runoff will be reduced, and water temperatures will increase. Increased precipitation in the form of rain and an increase in the number of days between precipitation events is expected to result in more severe droughts and greater flooding. Projected impacts could also include more evaporation and dryness, less groundwater, water quality challenges, reduced productivity of hydropower facilities, and irreversible impacts on natural ecosystems. Water resource managers must anticipate and plan for these possibilities. More rain and less snow, earlier runoff, reduced summer and fall stream flows, increased water temperatures, and more severe droughts and floods are predicted.

Planning for the potential impacts of climate variability requires increased flexibility in water administration and the identification of existing tools that can be adapted to address climate-induced changes in water supplies. High priority should be given to identifying and implementing actions designed to address water system stresses brought about by climate. Increased monitoring and data collection as well as conducting an initial vulnerability analysis for watersheds will help managers develop adaptive approaches to the reduction in supplies and increase in demand that are likely to accompany climate variability. Increasing public and agency awareness and enhanced technical capacity, improved information exchange, expanding and maintaining adaptive mechanisms and strengthening community and regional partnerships to manage shared water resources that reduce vulnerability are proactive steps that should be taken now to provide for the optimum use of Idaho's water resources to preparedness.

Implementation Strategies:

- Policy makers at all levels should evaluate existing legal and institutional tools and constraints that can be adapted to provide flexibility for water resource administrators. Existing rules and regulation that limit adaptive flexibility.

- Implement a collaborative approach to the analysis of Reservoir operation rule curves that ensures ~~should be cooperatively analyzed and additional weight should be given to~~ more recent hydrologic data is given due consideration.
- Pursue ~~E~~xpansion and diversification of water supplies, including increased surface and ground water storage. ~~should be aggressively pursued~~.
- Develop and update flood-~~R~~risk assessments ~~and particularly regarding flood vulnerability and environmental impact mitigation~~ measures. ~~should be developed and frequently updated~~.
- Identify and implement ~~A~~adaptive mechanisms to address the impact of climate variability on water supplies for ~~for~~ agricultural and ~~e~~, municipal use ~~water supplies and hydropower generations, water resource management agencies and hydropower interests should be identified and implemented as soon as possible~~.
- Preparedness actions should include long, medium and short term objectives. ~~Actions must be coordinated and effort must be focused and collaborative approaches~~ Establish stakeholder forums involving state water managers, local water supply managers, scientists, state and federal agencies, and water users to enhance understanding about the science of climate variability, share information about existing and potential tools for ameliorating the impact of climate variability, and increase understanding about the needs of water users and managers.

Milestones:

- Completion and implementation of updated flood control rule curves.
- Construction or expansion of water supply projects.
- Finalization of Rrisk assessment studies.
- Documentation of legal and institutional framework and water management tools that anticipate and respond to climate variability.
- ~~preparedness actions and e~~Establishment of collaborative regional forums that encourage the development of collaborative programs and decisionmaking.

Recommendations:

- Establish funding mechanism for ~~for~~ climate variability ~~change~~ preparedness and risk assessment. ~~for all levels of government~~.
- Establish ~~Create~~ climate-variability ~~change~~ collaboration forums.
- Aggressively move forward with feasibility studies and ~~study, design and~~ construction of water supply projects.

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3E - FUNDING PROGRAM

State, federal, and other sources of funding should be sought to assist in and support the development, preservation, conservation, and restoration of the water resources of the state.

Note: This policy draft is provided at the request of the subcommittee to illustrate how a general policy on strategies and mechanisms for funding water resource projects might be developed and for discussion purposes only.

Discussion:

The water resources of the state are essential to Idaho's economy and its citizens. There is no single strategy for successfully financing water resource projects. Instead, funding mechanisms for water planning and management should be based on flexible strategies that are broad-based and provide equitable benefits. While the existing institutional and legal framework may be adequate for some projects, it is important to develop innovative approaches that are responsive to future needs. Transparency and clarity about the intent and limitations of any particular funding strategy will help ensure that a strategy is used and evaluated appropriately.

The IWRB's Revolving Development Fund and the Water Management Account are supported by the appropriation of moneys from the state's general fund, federal funds, and other revenue sources. These programs have and will continue to provide financial assistance to project sponsors for water development and conservation, system rehabilitation, and treatment projects. The IWRB is also authorized to finance water projects with revenue bonds. The issuance of revenue bonds does not constitute a general obligation of the State of Idaho or the IWRB.

Sources of funding for programs focused on the protection and restoration of species listed under the federal Endangered Species Act include Snake River Water Rights Act of 2004 appropriations, the Columbia Basin Water Transaction Program, the Pacific Coast Salmon Restoration Fund, and the 2008 Columbia Basin Fish Accords.

The ESPA Camp calls for further definition of alternative funding strategies for plan implementation for both pay-as-you-go and debt financing methods. Potential strategies include state appropriations, the establishment of water management improvement or conservancy districts, targeted user fees, the development of a state water fund supported by power franchise fees, targeted sales, property, or special product and services taxes, and revenue bonds. Implementation of strategies for addressing regional water use issues on the Eastern Snake River Plain aquifer will assist in the development of CAMP implementation plans in other areas of the state where issues of aquifer management must be addressed. (Placeholder for description of final ESPA mechanism.)

Discussion of federal and private partnerships that fund water storage project feasibility studies.

Implementation Strategies:

- Review existing authorities and identify changes needed to optimize financing for water resource projects

- Evaluate IWRB financial program procedures to determine whether revisions are needed to improve efficiency and accessibility.
- Pursue opportunities for public and private funding partnerships.
- Pursue opportunities for local, federal, and intra-state funding partnerships and projects.
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Milestones:

- Financial programs and funding strategies meet the future needs of the state.
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