

1. Optimum Use

It is in the public interest to establish policies, initiatives, and programs that lead to optimum use of the water resources of the state. Water is essential to the vitality and prosperity of the state. All the waters of the state, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state are the property of the state (Idaho Code § 42-101). The state, through the Department of Water Resources, supervises the appropriation and allocation of the right to use the state waters for beneficial purposes.

1A - STATE SOVEREIGNTY

All waters, whether surface or ground water, are owned by the state as public property and the state asserts its sovereign right to regulate all waters within the state of Idaho for the benefit of its citizens. Thus, the state opposes any attempt by the federal government or other states, or any other entity to usurp the state's control over Idaho's water resources.

Discussion:

The Idaho Water Resource Board is responsible for the formulation of state water policy through the State Water Plan. The state's position on existing and proposed federal policies and actions affecting the state's waters shall be coordinated by the Idaho Water Resource Board to ensure the state retains its sovereign right to control its water resources. Idaho Code § 42-1734B(4). The State Water Plan shall be submitted to the Federal Energy Regulatory Commission, the Pacific Northwest Electric Power and Conservation Planning Council, and other federal agencies as Idaho's plan for the conservation, development, management and optimum use of the state's water resources. Idaho Code § 42-1734C.

The state should pursue cooperative agreements and partnerships with other states, Indian tribes, and the federal government to address water resource and management issues in a manner that benefits the citizens of Idaho.

Implementation Strategies:

- Take legal action when necessary to protect the state's sovereignty over its water resources.
- Implement and maintain cooperative water resource agreements and partnerships with neighboring states and the federal government.
- Work with the office of the Governor, state agencies, and the legislature to ensure the development and implementation of a unified state position on water resource issues.

Milestones:

- Partnerships established with neighboring states, federal agencies, and Indian tribes to anticipate and plan for water resource conflicts that may occur.
- Protocols established ensuring coordination of the state's position on water resource issues.

1D -WATER SUPPLY BANK

The sale or lease of water is critical to the efficient management and optimal use of the state's water resources. Thus, use of the state's Water Supply Bank should be expanded to meet traditional and emerging needs for water.

Discussion:

As the state approaches the time when there is little or no unappropriated water, the Water Supply Bank, established by Idaho Code § 42-1761, provides an efficient mechanism for the sale or lease of water from natural flow and storage. The purpose of the Water Supply Bank is to obtain the highest duty of water, provide a source of adequate water supplies to benefit new and supplemental water users, and provide a source of funding for improving water use facilities and efficiencies. By aggregating water available for lease, rental pools operating under the authority of the Water Supply Bank can supply the water needs of many users.

The Idaho Water Resource Board has adopted rules and regulations governing the sale or lease of water through the Water Supply Bank. Pursuant to state law, the Idaho Water Resource Board has authorized local entities to operate storage and natural flow rental pools in numerous water districts that meet regional needs. The Shoshone-Bannock Tribes are also authorized by the state to operate a storage water rental pool.

The scope of existing and future water use needs requires further development of flexible water banking systems that address local water use needs and ensure the optimum use of the state's water resources. The Water Supply Bank should provide for efficient mechanisms that are responsive to traditional and emerging needs for water.

Implementation Strategies:

- Review existing statutes, rules, and Water Supply Bank procedures to identify revisions needed to meet current and future water use demands.
- Propose statutory, regulatory, and procedural changes that provide the Idaho Water Resource Board authority and flexibility to establish local rental pools adapted to the unique needs of a local area.
- Establish natural flow and storage rental pools in basins where local water users have identified the need for rental pools.
- Develop a public information and education program to promote use of the Water Supply Bank.

Milestones:

- Increased use of the Water Supply Bank.
- New storage and natural flow rental pools established.
- Efficient mechanisms in place that facilitate the optimum use of water.

1E - CONJUNCTIVE MANAGEMENT

Where a hydraulic connection exists between ground and surface waters, including spring flow, they are to be managed and administered conjunctively to ensure a sustainable water supply, in accordance with the prior appropriation doctrine as established by law.

Discussion:

Irrigation practices, ground water pumping, and climate variability impact the available supply of ground and surface water and effect changes in regional water budgets. This can result in insufficient water supplies to satisfy beneficial uses and increased administrative curtailment, conflict among water users, and litigation.

The goal of conjunctive management of ground and surface water is to protect the holders of senior water rights while allowing for the optimum development and use of the state's water resources.

Quantification and monitoring of the hydraulic relationship between ground water and surface water, including spring flow, is required to allow for optimal utilization of the water supply and to ensure the protection of senior water rights in accordance with the prior appropriation doctrine as established by Idaho law. Quantification and monitoring is also necessary for the development of plans and projects designed to maintain a stable water budget.

Implementation Strategies:

- Continue to quantify the hydraulic relationship between ground water supplies, surface water supplies, and spring flows in designated river basins.
- Develop prioritized list of basins where additional technical information is needed to assess ground and surface water interaction.
- Develop enhanced technical tools for evaluating the interaction between surface and ground water resources for use in planning and administration.
- Increase measurement and monitoring of spring flow and promote cooperative efforts to better quantify spring flow hydraulics.
- On a continuing basis, assess conditions and trends of ground water levels in primary aquifers to estimate the rate of future aquifer recharge and withdrawal under various climatic conditions.
- Procure funding for studies.

Milestones:

- Number of studies initiated and completed to quantify ground water/surface water relationships.
- Increased effectiveness of technical tools used to evaluate the hydraulic relationship between ground water and surface water and other water supply data.

1F - GROUND WATER WITHDRAWAL

Average withdrawals from an aquifer should not exceed the reasonably anticipated rate of future natural recharge to that aquifer.

Discussion:

Idaho Code § 42-226 allows for the full economic development of the state's underground water resources. Declining ground water levels, however, may result in insufficient water supplies to satisfy beneficial uses, impaired economic development, water quality problems, and conflicts between water users. All beneficial uses, including interdependent spring and surface water uses, should be considered in evaluating the full economic development potential of the state's ground water resources.

The Director of the Department of Water Resources is authorized to establish reasonable ground water pumping levels when necessary to protect prior appropriations of ground water. Idaho Code § 42-237a provides that the Director may prohibit or limit the withdrawal of water from a well if withdrawal would result in diversion of the ground water supply at a rate beyond the reasonable anticipated rate of future natural recharge. The Director may allow withdrawals to exceed natural recharge if a program exists to increase recharge or decrease withdrawals and senior ground water rights are protected. Idaho Code §§ 42-233a and 42-233b authorize the Director to designate areas as either Critical Ground Water Areas or Ground Water Management Areas. Designating a ground water basin as a Critical Ground Water Area or Ground Water Management Area provides management options to prevent excessive withdrawals from an aquifer. Where such designations are made, the Department requires additional measurement and reporting to determine available ground water supplies and use.

The comprehensive aquifer management planning initiated by the Idaho Water Resource Board provides opportunities for stakeholder participation in ground water management. Local advisory committees help the Idaho Water Resource Board establish goals, objectives, and strategies to maximize available water supplies and assist with plan implementation. Public participation is key to the development of innovative approaches for meeting current and future demands on the state's ground water resources.

Implementation Strategies:

- Monitor ground water levels to estimate the rate of future natural aquifer recharge and withdrawal under various climate conditions.
- Develop water budgets for aquifers.
- Establish local advisory committees and solicit recommendations for ground water management.
- Implement management strategies to maximize available water supply.

Milestones:

- Number of water budgets developed.

- Number of advisory committees active in ground water management and critical ground water areas.
- Number of ground water management plans adopted for all administratively designated areas.
- Number of basins with adequate monitoring networks.

Recommendations:

- Identify opportunities for conducting cooperative ground water studies with state, federal and local agencies.
- Determine safe yields for aquifers to assist in comprehensive aquifer planning and management.

1G - INTERSTATE AQUIFERS

Cooperative arrangements with neighboring states should be developed for shared aquifers to avoid water supply conflicts and to optimize utilization of the resource.

Discussion:

The growing demand for water increases competition between states with shared aquifers. Cooperative agreements to jointly develop, manage, and protect shared aquifers are necessary to avoid water supply conflicts, to ensure economic development, and to provide a mechanism for the exchange of technical information.

Implementation Strategies:

- Establish cooperative agreements with neighboring states to gather data and conduct studies to assess ground water conditions and trends.
- Develop coordinated aquifer management plans with neighboring states.

Milestones:

- Approval and implementation of cooperative agreements and coordinated aquifer management plans.
- Cooperative technical studies conducted.

11 - AQUIFER RECHARGE

Aquifer recharge should be promoted and encouraged, pursuant to state law.

Discussion:

Managed aquifer recharge: Managed recharge projects may be an appropriate means for enhancing spring flows, providing mitigation for junior ground water depletions, or to help maintain desirable aquifer levels. In addition, managed recharge may help optimize existing water supplies by changing the timing and availability of water supplies to meet demand. Managed recharge may also be used as an adaptive mechanism for minimizing the impacts of variability in climate conditions. The Idaho Water Resource Board will support and assist in the development of managed recharge projects that further water conservation and increase water available for beneficial use, consistent with state law.

Aquifer storage and recovery: The use of artificial recharge to store surface water in a confined underground area could be an important element in meeting future water use needs. Further understanding of the economic, legal, ecological, and technical feasibility of using confined underground aquifers for water storage in Idaho is required for the purpose of policy development and planning and to avoid injury to existing water rights.

Incidental aquifer recharge: The incidental recharge of aquifers occurring “as a result of water diversion and use that does not exceed the vested water right of water right holders is in the public interest.” Idaho Code § 42-234(5). Incidental recharge may be an important component of some comprehensive aquifer management plans.

Implementation Strategies:

- Cooperate with public and private entities to develop, implement, and evaluate managed recharge projects.
- Identify and propose changes to statutes, rules, and policies that will assist the development and implementation of managed recharge projects.
- Identify river basins where the use of managed recharge projects should be evaluated as a potential strategy for addressing increased demand on water supplies.
- Monitor and evaluate recharge projects to document effects on water supply and water quality.
- Identify policies to encourage practices that result in incidental recharge to an aquifer.

Recommendation:

- Appoint an Aquifer Storage and Recovery Task Force.

1K COMPREHENSIVE AQUIFER MANAGEMENT PLANS

The Idaho Water Resource Board will complete and implement comprehensive aquifer management plans to address the increasing demands on the state's water supply.

Discussion:

Idaho Code § 42-1779 established the Statewide Comprehensive Aquifer Planning and Management Program, which is designed to provide the Idaho Water Resource Board and the Department of Water Resources with the necessary information to develop aquifer management plans throughout the state. The program will be implemented in three phases. First, technical information describing the hydrology of the ground and surface water systems and the relationship between surface and ground water in a designated basin will be compiled. Second, the Idaho Water Resource Board, with the assistance of an advisory committee, will develop a management plan, based on an assessment of current and projected water uses and constraints, to address water supply and demand issues specific to each basin. The Idaho Water Resource Board will be responsible for implementing the plan to obtain sustainable water supplies and provide for the optimum use of a region's water resources.

Idaho's first Comprehensive Aquifer Management Plan was developed for the Eastern Snake River Plain Aquifer ("ESPA CAMP"). The ESPA CAMP was adopted by the Idaho Water Resource Board and approved by the legislature in 2009. The ESPA CAMP sets forth actions designed to stabilize and improve spring flows, aquifer levels, and river flows across the Eastern Snake River Plain. The ESPA CAMP uses a phased approach to achieve a designated water budget change through a mix of management actions, including but not limited to, aquifer recharge, ground-to-surface water conversions, and demand reduction strategies. The Idaho Water Resource Board is responsible for implementation of the plan with the assistance of an advisory committee made up of representatives of all stakeholders who depend on a reliable supply of water for a range of beneficial uses.

Comprehensive aquifer planning was initiated in 2008 and will be completed for the following aquifers as funding allows: Treasure Valley, Rathdrum Prairie, Palouse, Big Wood, Mountain Home, Bear, Teton, Big Lost, Portneuf, and Blackfoot.

Implementation Strategies:

- Develop and implement comprehensive aquifer management plans for selected basins that establish goals, objectives, and implementation strategies to maximize available water supplies.

Milestones:

- Number of comprehensive aquifer management plans completed.
- Number of comprehensive aquifer management plans implemented.

1L – SURFACE WATER SUPPLY ENHANCEMENT

Surface water development will continue to play an important role in meeting Idaho’s future water needs.

Discussion:

Future economic development, population growth, and evolving priorities will bring additional demands on Idaho’s water resources, and surface water development will continue to play an important role in the state’s future. The construction of new reservoirs, enlargement of existing reservoirs, and development of off-stream storage sites could increase water supplies necessary to meet increased demand. These strategies are also important for flood management, hydropower generation, and recreation use.

Engineering, economic, legal, political, and environmental issues associated with water development projects affect decisions concerning the construction of reservoir facilities. In addition, changes in climate conditions will likely be an important factor in determining the costs and benefits of additional storage facilities. As required by Idaho Code § 42-1736B(c), the Idaho Water Resource Board maintains an inventory of potential storage sites that are set forth in Table 1.

Table 1. Reservoir Sites with Apparent High Potential for Development

Potential Reservoir	Stream	Reservoir Capacity	Potential Purpose
<i>Upper Snake</i> Minidoka (enlargement)	Snake River	50,000 AF	Irrigation, Power, Flood Control, Flow Augmentation, Recharge, Recreation
Teton (or alternative)	Teton River	300,000 AF	Irrigation, Power, Flood Control, Flow Augmentation, Recreation
<i>Southwest Idaho</i> Twin Springs (or alternative)	Boise River	400,000 AF	Irrigation, Power, Flood Control, Flow Augmentation, Recreation
Lost Valley (enlargement)	Lost Valley Creek	20,000 AF (increase)	Irrigation, Recreation
Galloway	Weiser River	900,000 AF	Irrigation, Power, Flood Control, Flow Augmentation, Recreation
<i>Bear</i> Caribou	Bear River	48,000 AF	Irrigation, Power, Flood Control, Recreation

Implementation Strategies:

- Concentrate assessment and evaluation of potential storage facilities on projects with the highest potential for development. Major considerations in defining high-potential projects are: cost per unit of storage, extent of public support, environmental considerations, adequacy of existing information and studies, extent and availability of funding sources for evaluation and assessment, and expected benefits that would accrue from the construction and operation of the facility.
- Review inventory of projects annually to maintain list of high priority project sites.
- Initiate feasibility/construction design studies for sites determined to be high priority. Identify potential project partners.
- Identify potential funding sources for project evaluation and construction.
- Provide recommendations regarding potential storage sites to private and public entities to ensure that resource development is consistent with the State Water Plan.

Milestones:

- Complete annual review of potential storage site inventory and revise as appropriate.
- By 2010, initiate studies of Teton, Galloway, Minidoka, and Twin Springs sites.
- Initiate construction of additional storage facility for approximately 600 thousand acre-feet by 2025.

Recommendations:

- Conduct ongoing review of criteria for listing of potential storage sites and revise inventory consistent with criteria.
- Develop partnerships with private entities, local governments, and federal agencies to evaluate, design, and construct water storage projects.

2. Conservation

The Conservation policies focus on careful planning and prudent management of Idaho's water. The purpose of the policies is to encourage water conservation and water efficiency practices, consistent with the prior appropriation doctrine, as established by law. Conservation and water efficiency practices should be implemented through voluntary, market based programs, when economically feasible.

2A - WATER USE EFFICIENCY

The efficient use of water should be promoted in accordance with state water law.

Discussion:

Water conservation focuses on the reduction in water use, and water efficiency focuses on reducing waste. As water efficiencies increase, conserved water is available to supply existing uses, new demands, or improve instream flows. Conservation and water efficiency practices may offset the need for new storage projects. Policies that promote water conservation and efficiency should be promoted, where such practices do not result in adverse consequences to other users of the resource.

Implementation Strategies:

- Review existing laws and regulations and identify inconsistencies or constraints to implementing water efficiency practices.
- Develop partnerships with local, state, and federal governments and non-governmental organizations to coordinate and support water conservation programs.
- Establish a public information program and conservation guidelines for a range of water uses.
- Evaluate opportunities for conservation and water efficiency practices in conjunction with the evaluation of new storage facilities.
- Identify localized opportunities for water conservation.

Milestones:

- Number of conservation guidelines implemented.
- Number of partnerships developed to coordinate water conservation.
- Number of water use efficiency practices implemented.
- Effects of conservation efforts quantified.

2B - FEDERALLY LISTED SPECIES AND STATE SPECIES OF GREATEST CONSERVATION NEED.

Voluntary community-based conservation programs that benefit species listed under the Endangered Species Act (“ESA”) and Species of Greatest Conservation Need (“SGCN”) and resolve water resource issues are more effective than regulatory enforcement.

Discussion:

The intersection between state water rights and the ESA requires development of integrated solutions to water allocation conflicts. In enacting the ESA, Congress contemplated a state-federal alliance to advance the recovery of listed species and provided for the development of state-led recovery efforts. Congress has directed federal agencies to “cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.” 16 U.S.C. § 1531(c)(2). Cooperative community-based conservation programs are more effective in providing on-the-ground habitat benefits than enforcement actions. With site-specific information about water and land use practices and habitat requirements, targeted and effective conservation strategies can be developed and implemented that protect private property rights, and assure state primacy over water resources while, at the same time, providing natural resource protection.

The Idaho Water Resource Board holds minimum stream flow water rights for 205 river reaches important to ESA-listed species and established as part of the Snake River Water Rights Settlement Act of 2004 (“2004 Water Rights Agreement”). The minimum stream flow water rights provide significant protection for ESA-listed species in the Salmon and Clearwater River Basins. The water rights for streams in watersheds with substantial private land ownership and private water use were established after consultation with local communities. Where the minimum stream flow water rights are higher than existing flows, the state works with water users on a voluntary basis to rent or otherwise acquire water to return to the streams. The Water Supply Bank and Columbia Basin Water Transactions Program are used to achieve these objectives. In conjunction with the minimum stream flows, the state agreed to work with local stakeholders and communities to address habitat concerns on a limited number of streams with degraded habitat. The work plans include measures to remove barriers to fish passage, revegetate stream banks, and restore wetlands to proper functioning.

The 2004 Water Rights Agreement also provides for the development of long-term habitat conservation plans to assist in the recovery of ESA-listed species, under section 6 of the ESA. The plans are to be developed in collaboration with local landowners and water users, affected Indian tribes, and state and federal natural resource agencies. Section 6 agreements will provide incentives for conservation through the granting of incidental take coverage to participants in the program. Such agreements would provide participating water users with protection against uncertainty and regulatory delays while contributing to the recovery of listed species. Section 6 of the ESA may also provide opportunities for the implementation of conservation plans developed in collaboration with local water users and stakeholders in other regions of the state. It is in the interest of the public for the Idaho Water Resource Board to take a leadership role in the development of local and regional conservation strategies that contribute to the recovery of ESA-listed species and SGCN.

Implementation Strategies:

- Participate in the development and implementation of habitat conservation plans pursuant to section 6 of the ESA.
- Collaborate with Office of Species Conservation, state and federal agencies, affected Indian tribes, and local stakeholders to develop and implement habitat conservation programs that preclude the need for listing of species and contribute to listed species' recovery.
- Coordinate with Office of Species Conservation to integrate water resource programs with species protection and recovery, including the establishment of minimum stream flows, and state designation of protected rivers.

Milestones:

- Number of Section 6 agreements implemented.
- Number of cooperative agreements and conservation measures implemented.
- Number of strategies implemented that preclude the need for listing under the ESA and result in listed species' recovery.

2F- RIPARIAN HABITAT AND WETLANDS

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. 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 Idaho Department of Water Resources has exclusive authority over the appropriation of the public surface waters and ground waters of the state. The Department of Water Resources also regulates the alteration of stream channels and stream beds below the mean high watermark. Idaho Code §§ 42-3801 thru 42-3812. Local governments are authorized to regulate land use and development. The Idaho Department of Environmental Quality administers the state's 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 Wetlands Conservation Strategy that sets out a framework for protecting, restoring, and enhancing wetlands through collaborative, voluntary approaches. The Idaho Water Resource Board supports voluntary watershed-based conservation strategies for the protection of riparian and wetland areas 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 watershed planning and the implementation of voluntary strategies to protect Idaho's wetlands and riparian areas.
- Support the development of guidelines and strategies to assist in the implementation of projects that protect, restore, and enhance wetlands and riparian areas.
- Evaluate whether the Stream Channel Protection Act, Idaho Code §§ 42-3801 thru 42-3812 adequately assists in the protection of wetlands and riparian areas and propose statutory changes as appropriate.
- Assist state and federal agencies and stakeholders in the acquisition of funding for project implementation.

Milestones:

- Project and funding proposals submitted.
- Projects implemented.

2G- STREAM CHANNEL REHABILITATION

The Idaho Water Resource 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. Where current practices, legacy effects of past activities, or natural disturbances threaten public safety, private property, or the overall quality and quantity of water produced in the affected watershed, it is in the state's interest to take remedial 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.

Implementation Strategies:

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

Milestones:

- Inventory conducted.
- Cost/benefit analyses conducted and priorities established.
- Funding obtained.
- Projects implemented.

2J - FLOOD HAZARD AREAS

Protection of floodplains through effective floodplain management and pre-disaster mitigation is essential to reducing and preventing flood damages.

Discussion:

Floods are the most frequent and costly disasters in Idaho and 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 protect the natural function of floodplains. 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. The Federal Emergency Management Agency has prepared Flood Insurance Rate Maps for some, but not all of the waterways within Idaho. Communities can use this information to develop a more comprehensive approach to flood disaster mitigation planning.

In order to provide maximum opportunity for the citizens of Idaho to obtain improved and more reliable flood insurance, the National Flood Insurance Program should be adopted.

Implementation Strategies:

- Coordinate with the U.S. Army Corps of Engineers, Federal Emergency Management Agency, and the Idaho Bureau of Homeland Security to develop a comprehensive overview of flood prone areas across the state.
- Assist local, state, and federal agencies in securing funding to update and complete Flood Insurance Rate Maps for all regions of the state.
- Provide technical information on flood plain management to public and private organizations involved in land development.

2K - FLOOD DAMAGE REDUCTION LEVEE REGULATION

Levees should be designed, constructed and maintained to meet the intended purpose of reducing flood damage for the useful life of the levee.

Discussion:

Pursuant to Idaho Code § 42-1717, the Department of Water Resources regulates nearly 600 water storage dams and more than 20 mine tailing impoundment structures throughout the state. Levees are not regulated as dams, however, and the construction, maintenance, and safety of levees is, for the most part, left to local entities.

The Idaho Water Resource Board supports the development of a comprehensive state program governing the construction and maintenance of new flood reduction levees. A state flood reduction levee program should focus on the use of sound technical practices in levee design, construction, and operation and include safety programs that ensure public awareness of the risks involved in levees.

Implementation Strategies:

- Develop a state safety program to regulate the construction and maintenance of new flood reduction levees.
- Propose legislation authorizing the Department to implement a state levee safety program.
- Identify and incorporate components of the Draft National Levee Safety Program that would benefit Idaho citizens.
- Participate in the development of a National Levee Safety Program with other state and federal agencies.
- In the event a National Levee Safety Program is adopted, obtain certification as a state levee safety program and assist with development of levee criteria for use by the states and the federal government.

Milestones:

- State levee safety program established.
- Trends in levee failures in Idaho decreased.

3E - FUNDING PROGRAM

Funding mechanisms to support the development, preservation, conservation, and restoration of the water resources of the state should be based on flexible strategies that provide equitable benefits.

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. Strategies for financing water resource programs 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. 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. Projects proposed for funding must be in the public interest and in compliance with the State Water Plan.

The Idaho Water Resource Board'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 Idaho Water Resource Board 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 Idaho Water Resource Board.

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 Eastern Snake River Aquifer Comprehensive Management Plan calls for a water-user fee in conjunction with state appropriations. Implementation of strategies for addressing regional water use issues on the Eastern Snake River Plain Aquifer will assist in the development of comprehensive aquifer management implementation plans in other areas of the state.

The Idaho Water Resource Board will continue to pursue opportunities for partnerships with the federal government and private entities to determine the feasibility of increasing water supplies through development of additional storage capacity. At the direction of the legislature, the Idaho Water Resource Board has entered into agreements with the U.S. Army Corps of Engineers and the Bureau of Reclamation for studies in the Boise River and Snake River basins. As demands increase

on Idaho's water storage and delivery systems, the need for additional water storage feasibility studies and funding partnerships will be assessed.

Implementation Strategies:

- Review existing authorities and identify changes needed to optimize financing for water resource projects.
- Evaluate Idaho Water Resource Board financial program procedures to determine whether revisions are needed to improve efficiency and accessibility.
- Pursue opportunities for private funding partnerships.
- Pursue opportunities for local, federal, and intra-state funding partnerships and projects.

Milestones:

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

5A - BEAR RIVER COMPACT

Water use and management in the Bear River Basin shall conform to the allocations agreed to in the Bear River Compact.

Discussion:

The original Bear River Compact was signed into law on March 17, 1958, and amended on February 8, 1980. Idaho Code § 42-3402. The Compact was negotiated to provide for the efficient use of water for multiple purposes, to permit additional development, to promote interstate comity, and to accomplish the equitable apportionment of the waters of the Bear River among Idaho, Utah, and Wyoming. Water allocations for the Bear River Basin were adopted in 1978. The Compact is administered by an interstate administrative agency, the Bear River Commission, which is comprised of three members from each state and a non-voting federal chairman. The Bear River Commission must review the Compact at intervals of not less than twenty years and may propose amendments.

The Compact divides the Bear River into three divisions and treats allocation differently in each. The Upper Division of the river extends from its source in the Uinta Mountains, to and including Pixley Dam Wyoming. The Central Division includes the portion of the Bear River from Pixley Dam to, and including Stewart Dam. The Lower Division of the Bear River includes the flow from Stewart Dam to the Great Salt Lake and encompasses Bear Lake and its tributary drainage. The Compact makes allocations for the diversions of surface water, the storage of water above Bear Lake, ground water depletion, and future development. The allocation provisions for the three divisions of the Bear River apply only during times of shortage.

Idaho and Utah are implementing conjunctive management of surface and ground water. Idaho's Bear River Conjunctive Management Plan guides the development of ground water in the Bear River Ground Water Management Area. Although initial estimates of ground water depletions in the Lower Division indicate equal depletions in Idaho and Utah, the Idaho Water Resource Board encourages the Bear River Commission to prioritize additional studies to determine the effects of ground water use on the Bear River system.

Implementation Strategies:

- Encourage and assist the Bear River Commission to initiate further study and consideration of the effects of ground water use on Bear River surface flow.
- Ongoing review of Bear River Compact implementation and related issues, including depletion calculation procedures.

Milestones:

- Studies completed on the interaction between ground water and surface water in the Bear River Basin.

5B - BEAR RIVER BASIN WATER MANAGEMENT

The Idaho Water Resource Board supports enhancing water supplies, increasing water use efficiency, and implementing water supply bank mechanisms to help meet future water needs in the Bear River Basin.

Discussion:

The Bear River Compact designates how the undeveloped water supplies of the Bear River are to be allocated among Idaho, Utah, and Wyoming. The Compact allocates a first right to development and depletion of water not currently allocated in the Lower Division to Idaho, in the amount of 125,000 acre feet. In addition to the efficient use of existing developed water supplies, the state should move forward with the development of Idaho's depletion allocations as provided for in the Compact.

Ground water is available for development, but its development cannot injure existing senior water rights. In 2001, the Department of Water Resources established the Bear River Ground Water Management Area and created an advisory committee to provide guidance in the preparation of a ground water management plan. The Bear River Ground Water Management Plan, adopted in 2003, provides for managing the effects of ground water withdrawals to accommodate projected growth and water demand in the Bear River Basin, while protecting senior priority surface and ground water rights from injury. In addition to the use of mitigation plans that protect existing rights, the plan encourages flexible strategies for making water available for new development including new surface storage, ground water recharge projects, and transfers of existing rights through water banking and other marketing mechanisms. The ground water management plan encourages the wise use of available water supplies and continues the involvement of a local advisory committee in the development of management policies for the area. To address declining ground water levels, the Bear River Basin has been designated as a priority basin for the development and implementation of a comprehensive aquifer management plan.

Idaho Code § 42-1765 authorizes the Idaho Water Resource Board to create a local rental pool to facilitate marketing of stored water. A Bear River rental pool would provide the advantage of being locally managed and controlled, with the flexibility to develop specific procedures designed to address special conditions existing in the basin. Use of water supply banks also provides protection from forfeiture for unused water rights in Idaho and a source of funding for improving water management. Cooperation between Idaho, Utah, and PacifiCorp will be required to establish a storage rental pool for Bear Lake.

Implementation Strategies:

- Initiate further discussion concerning the development of a Bear River storage water rental pool with the Bear River Commission, Utah, and PacifiCorp.
- Develop strategies to improve water supplies and reduce demand through the implementation of a comprehensive aquifer management plan, in coordination with Utah, Wyoming, and PacifiCorp.

Milestones:

- Bear River Basin comprehensive aquifer management planning underway.

- Strategies developed to meet future water needs.
- Local storage rental pool established.
- Development of Idaho's depletion allocation.

5C - INTERSTATE WATER DELIVERY

Idaho water users in the Lower Division of the Bear River Basin must be protected from inequitable water allocation in the event of a water emergency and the scheduling of interstate water deliveries.

Discussion:

The Bear River Compact authorizes the Bear River Commission to implement a water delivery schedule in the Lower Division without regard to state boundaries if the Bear River Commission finds that a “water emergency” exists. This provision was intended to apply only to true emergency conditions which must be determined using comprehensive accounting processes. Idaho and Utah have developed separate, but similar water accounting models that incorporate the rights identified in the Commission Approved Lower Division Water Delivery Schedule. Absent a water emergency, Idaho water users are not required to accept delivery based upon interstate accounting allocation. Both states, however, have worked to reconcile their respective accounting models to reduce conflict over water delivery.

The “Bear Lake Settlement Agreement” was signed and adopted by Lower Division water users and PacifiCorp in 1995 and amended in 2003. The agreement established, among other things, an “Irrigation Water Allocation and Lake Recovery Proposal” for Bear Lake. The proposal provides for an “Annual Allocation” which represents the total, estimated quantity of water available to be delivered to storage contract holders. This agreement and the state water accounting models have resulted in a process by which Lower Division water users have voluntarily agreed to water delivery by water right priority without regard to state boundaries.

Implementation Strategies:

- Continue work with Utah and Lower Division water users to improve water right accounting models.
- Facilitate and promote improved water delivery and measurement, including gage and diversion automation.

Milestones:

- Continued cooperation in interstate water administration.
- Completion of technical upgrades to water delivery and measurement infrastructure.

5D - BEAR LAKE

The outstanding recreational, aesthetic, and fish and wildlife resource values of Bear Lake should be preserved, while recognizing the existing storage allocations for irrigation and hydroelectric power generation.

Discussion:

Bear Lake, noted for its unique coloration and endemic fish species, provides an abundance of recreational opportunities. To protect these values, the Idaho Water Resource Board obtained a minimum lake level water right for Bear Lake of 5902 feet.

The 2003 Bear Lake Settlement Agreement between Idaho, Utah, Wyoming, and PacifiCorp confirmed that Bear Lake must be operated primarily as a storage reservoir to satisfy contracts for existing irrigation uses and flood control needs in the three states, with the use of water for hydropower generation being incidental to other purposes. Bear Lake storage is allocated based on lake elevation with reduced allocations occurring when Bear Lake falls below the irrigation reserve of 5914.7 feet. The settlement agreement also provides for a portion of the active storage in Bear Lake to be voluntarily retained to enhance recreation and water quality values.

Pursuant to the 2002 Settlement Agreement Resolving the Relicensing of the Bear River Hydroelectric Projects and the Federal Energy Regulatory Commission licenses issued for PacifiCorp's Bear River projects, protection, mitigation, and enhancement measures are being implemented to benefit fish and wildlife and recreational resources in the Bear River Basin. The settlement agreement established a committee to guide implementation of these measures, with a primary focus on protecting and improving habitat for Bonneville Cutthroat Trout. The settlement agreement confirms that PacifiCorp's ability to manipulate Bear Lake reservoir levels and provide instream flows at the projects for these purposes is restricted by and subject to historic practices, water rights, and flood control responsibilities that are memorialized in water contracts, water agreements, and judicial decrees and opinions.

The Bear River Compact provides for cooperation with state and federal agencies in matters relating to water pollution of interstate significance. The Idaho Water Resource Board supports the Bear River Commission's efforts to develop opportunities for more integrated watershed management throughout the basin.

Implementation Strategies:

- Cooperate with the Bear River Commission to address interstate issues of concern related to Bear Lake, including water quality, threatened or endangered species and species of special concern, and recreation.

Milestones:

SALMON/CLEARWATER RIVER BASINS

6A - HABITAT CONSERVATION PLANS

Voluntary, community-based conservation plans and strategies for the benefit of ESA-listed species and other species of concern are key components of water planning and management in the Salmon and Clearwater River Basins.

Discussion:

The Salmon and Clearwater River basins support a thriving agricultural industry and significant tourism. Because a number of fish species in the Salmon and Clearwater River basins have been listed as threatened or endangered under the ESA, numerous programs are being implemented to improve fish habitat, while protecting existing water rights. A significant portion of freshwater habitat important to ESA-listed fish is located on private lands. As a consequence, local support is key to implementing conservation measures that advance species' recovery. Federal agencies are encouraged to cooperate with the state and local landowners to develop voluntary, incentive-based conservation plans. Any water required for instream uses must be obtained in compliance with state law.

In the Snake River Basin Adjudication, the state entered into two agreements that provide for water management within the basin that supports agricultural-based communities, while encouraging the voluntary implementation of flow-related conservation measures that improve instream conditions for ESA-listed fish. The agreements are based upon improving instream flow conditions pursuant to state law.

- **Snake River Water Rights Agreement of 2004**

The Snake River Water Rights Agreement of 2004 resolved all of the issues related to the Nez Perce Tribe's water right claims in the Snake River Basin Adjudication. In the Salmon and Clearwater basins, the primary goal of the settlement agreement provisions is to conserve and enhance fish habitat in order to address ESA concerns. There are three cornerstones to such efforts: the establishment of state minimum flows, the establishment of a voluntary forestry program with standards to improve fish habitat, and the establishment of voluntary programs by irrigators and other water users to improve instream flow.

The state and local water users are working with the federal agencies, tribes, and other stakeholders to advance the recovery of listed species through the development of conservation agreements under Section 6 of the ESA. In coordination with the Office of Species Conservation, the state has begun early implementation of voluntary conservation measures that provide immediate benefits to ESA-listed fish and provide the foundation for implementation of long-range plans.

As a result of the Snake River Water Rights Agreement, the Idaho Water Resource Board holds minimum stream flow water rights on 205 streams that provide significant protection for steelhead, salmon, and bull trout. Most of the streams flow through federal public lands and have minimal use. Twenty-four streams, however, are in basins with substantial private ownership and significant private water use. The flows for those streams were established after consultation with local communities. Where the minimum stream flow water rights are higher than existing flows, the Idaho Water Resource Board works with water users on a voluntary basis to rent or otherwise acquire water to return to streams, in accordance with state law.

- **Wild and Scenic Rivers Agreement**

The Wild and Scenic Rivers Agreement resolved issues related to federal reserved water right claims filed by the federal government under the Wild and Scenic Rivers Act. The agreement provides for the quantification of the wild and scenic federal reserved water rights and state administration of those rights. To protect existing rights and allow for some future development, the United States agreed to subordinate the federal rights to certain junior priority state and private rights and to a sum certain of future junior rights.

Implementation Strategies

- Ensure that the water right application review process considers basin conservation plans and limiting factors for ESA-listed fish.
- Ensure that the stream channel alteration permit process considers basin conservation plans and limiting factors for ESA-listed fish.
- Develop flow-limited reach GIS maps for use in water administration.
- Continue early implementation of conservation measures.
- Develop conservation plans based on local problem-solving and support.

Milestones

- Conservation measures implemented.
- Conservation plans approved pursuant to Section 6 of the ESA and implemented.
- Approved water right transfers address limiting factors for ESA-listed fish.
- Water right permits address limiting factors for ESA-listed fish.
- Flow-limited reach GIS maps completed and in use.

6B - INSTREAM FLOW

The Idaho Water Resource Board will promote, provide, and where possible, expand opportunities for voluntary, market-based transactions to improve instream flow for the benefit of ESA-listed fish species.

Discussion:

The Idaho Water Resource Board administers and participates in a variety of programs to improve instream flows throughout the Salmon and Clearwater River basins. This programmatic approach to addressing the needs of ESA-listed and other sensitive species includes a suite of water supply acquisition tools including short and long-term leases, permanent purchases, partial season leases, diversion reduction agreements, and water use efficiency measures, all of which are market-based and voluntary. The Idaho Water Resource Board works collaboratively with organizations committed to voluntary, market-based conservation strategies, such as conservation easements, to maximize instream flow programs. These partnerships benefit targeted fish species and support local economies.

- **Columbia Basin Water Transaction Program**

The Columbia Basin Water Transactions Program was initiated in 2002 to support innovative, voluntary, grassroots strategies to improve flows in the Columbia River Basin's streams and rivers. The majority of funding is provided by the Bonneville Power Administration in cooperation with the Northwest Power and Conservation Council. It is in the public interest to continue implementation of the Columbia Basin Water Transactions Program in the Salmon and Clearwater basins to keep agriculture productive and improve instream flows for ESA-listed and other sensitive fish species.

- **Section 6 Habitat Conservation Fund**

Section 6 of the ESA directs "that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species." 16 U.S.C.A. § 1531(C)(2). Pursuant to the Snake River Water Rights Agreement of 2004, in addition to the establishment of minimum stream flow water rights, the state agreed to work with local stakeholders and communities to develop work plans for addressing limiting factors for fish on streams with degraded habitat. The state also agreed to develop cooperative agreements under Section 6 of the ESA with the assistance of local land owners, federal agencies, and tribes to establish long-term conservation goals and conservation measures that will contribute to the recovery of anadromous and resident fish in the Upper Salmon River Basin. The Idaho Water Resource Board's instream flow programs are central to the development and implementation of Section 6 Conservation Plans.

- **Pacific Coast Salmon Restoration Fund**

The Pacific Coast Salmon Restoration Fund provides grants to state agencies and treaty Indian tribes for salmon recovery efforts. The Idaho Water Resource Board works with agencies, tribes, and stakeholders to use Pacific Coast Salmon Restoration Fund monies for early implementation of conservation measures in the basins.

- **2008 Columbia Basin Fish Accords**

The Columbia Basin Fish Accords are designed to supplement biological opinions for listed salmon and steelhead and the Northwest Power and Conservation Council's fish and wildlife program. The agreement between the State of Idaho, the Bonneville Power Administration, the U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation addresses issues associated with the direct and indirect effects of construction, inundation, operation and maintenance of the Federal Columbia River Power System, and Reclamation's Upper Snake River Project on the fish and wildlife resources in the Columbia River Basin.

Under the agreement, the Bonneville Power Administration committed to funding a suite of habitat quality improvement projects designed to address limiting factors within the basins affecting ESA-listed salmon and steelhead. The Idaho Water Resource Board uses these funds to develop projects that improve instream flow and freshwater survival of ESA-listed salmon and steelhead. The program targets flow-related projects that reconnect tributaries and increase flow in the mainstem Lemhi and Pashimeroi Rivers to improve fish passage conditions and increase the quantity and quality of fish habitat.

Implementation Strategies:

- Continue implementation of programs to improve instream flows in the Salmon and Clearwater River basins.
- Pursue opportunities for partnerships with local water users and other stakeholders to implement programs that improve instream flows and support local economies.

Milestones:

- Number and scope of instream flow improvement projects implemented.
- Number of participants in instream flow improvement projects.
- Degree of habitat improvement resulting from instream flow programs.

PANHANDLE RIVER BASINS

7A - INTERSTATE AQUIFERS

Completion of comprehensive aquifer management plans and the Northern Idaho Adjudication and implementation of interstate agreements are key to the optimum use of the Panhandle's water resources.

Discussion:

The Panhandle's rivers and lakes are key to continued economic development and provide for multiple uses of water including irrigation, domestic supplies, mining, and commercial uses. These lakes and rivers also provide significant recreation, fish and wildlife, and aesthetic resources important for the region's economy. In average water years, Idaho's Panhandle region has an abundant water supply. A growing population and the urbanization of agricultural lands, however, have resulted in increased ground water use which has resulted in conflicts over water quantity and quality within the region and across state boundaries.

- **Spokane Valley-Rathdrum Prairie Aquifer**

The Rathdrum Prairie Aquifer (RPA) extends south from Bonner County through Kootenai County toward the cities of Coeur d'Alene and Post Falls and west to the Idaho-Washington state line. The aquifer extends into Washington and becomes part of the larger Spokane Valley-Rathdrum Prairie (SVRP) Aquifer. The area includes the rapidly growing cities of Spokane, Washington and Coeur d'Alene and Post Falls, Idaho. The SVRP Aquifer was designated a "Sole Source Aquifer" by the U.S. Environmental Protection Agency in 1978 and a sensitive source aquifer by the state of Idaho.

Idaho and Washington have primary responsibility for water allocation and water quality. Local governments are increasingly being called upon, however, to consider water supply and water quality implications in land use planning. To address these challenges, a study of the SVRP Aquifer was conducted jointly by the Idaho Department of Water Resources, Washington State Department of Ecology, and the United States Geological Service. Begun in 2003 with broad community support, the purpose of the project is to provide a scientific foundation to assist the states in water administration. The SVRP Aquifer study established a collaborative modeling committee of experts from both states. Significant new information from the study refined earlier estimates of hydrologic information. The data, computer model, water budget, and other information are available to the public and provide a detailed, up-to-date basis for assessing all aspects of ground water use, including water development, establishing well head protection zones, and local and regional land use planning. A 2007 agreement between the Idaho Department of Water Resources and the Washington State Department of Ecology establishes a collaborative framework to maintain and enhance the model to inform state management decisions.

Pursuant to Idaho Code § 42-1779, which established the Statewide Comprehensive Aquifer Planning and Management Program, a comprehensive aquifer management plan is being developed for the Rathdrum Prairie Aquifer. The Idaho Water Resource Board has appointed an advisory committee to

develop and recommend an aquifer management plan that addresses future water supplies and demands. Once adopted, the Board will be responsible for implementing the plan to obtain sustainable water supplies and optimum use of the region's water resources.

- **Grande Rhone and Wanapum Aquifers**

The development of a comprehensive aquifer management plan for the Palouse River Basin is also a priority. The Grande Rhone and Wanapum aquifers underlie the Palouse River Basin. The Pullman-Moscow area of eastern Washington and northern Idaho relies almost entirely on ground water for its supply of municipal, institutional, and domestic water. The Palouse Basin Aquifer Committee consists of representatives from the cities of Moscow, Pullman, Colfax, Latah, and Whitman counties, the University of Idaho and Washington State University and was formed to address concerns about declining ground water levels and coordinate studies to further inform water management decisions. In 1992, with the assistance of the states and pursuant to several intergovernmental agreements, a Pullman-Moscow Ground Water Management Plan was completed. The plan provides technical information about the general response of the Wanapum and Grande Rhonde aquifers to pumping withdrawals and recommendations for future use that limit ground water depletion and protect water quality through conservation practices and other measures. Additional studies are needed to better understand the hydrology of the aquifers.

Managing cross-boundary conflicts requires an accounting of the state's water resources. Adjudication of water rights in the Panhandle region should therefore be completed to fully define and quantify existing water rights. The determination of all existing water rights from the river basins in northern Idaho will provide the basis for administration of water rights in accordance with the prior appropriation doctrine, as established by law, and for interstate cooperation. Pursuant to Idaho Code § 42-1406B, the Director of the Idaho Department of Water Resources filed a petition in the district court to commence an adjudication for northern Idaho. On November 12, 2008, the district court ordered the commencement of adjudication in the Coeur d'Alene Spokane River water system. The estimated date for completion of the adjudication is 2012.

Idaho Code § 42-1734(3) authorizes the Idaho Water Resource Board to appear on behalf of the state in negotiations with the federal government. Consistent with state law, the Idaho Water Resource Board should serve as the lead agency for coordinating state participation in the Northern Idaho Adjudication.

Implementation Strategies:

- Complete and implement comprehensive aquifer management plans for the Rathdrum Prairie and Palouse River basins that establish goals, objectives, and strategies to address the increasing demand on water supplies, reduce cross-boundary conflicts, and provide for effective conjunctive management of hydraulically connected water resources.
- Complete the Northern Idaho Adjudication.
- Implement and maintain the cooperative agreement between Idaho and Washington for maintenance of the SVRP Aquifer ground water model.
- Advise and provide technical support to Palouse Basin Aquifer Committee and other stakeholders to promote the wise use of the region's water supply.

- Provide technical support for the completion of aquifer studies that will assist in water management.

Milestones:

- Cooperative agreements approved and implemented by Idaho and Washington.
- Rathdrum Prairie and Palouse comprehensive aquifer management plans completed and implemented.
- Northern Idaho Adjudication completed.
- Aquifer studies completed.

7B - MINIMUM STREAM FLOWS

The Idaho Water Resource Board will establish and protect minimum stream flow and lake level water rights to preserve the scenic and recreational water bodies in the Panhandle river basins.

Discussion:

The Panhandle contains some of the most significant scenic and recreational water bodies in the state. The Idaho Water Resource Board holds 19 minimum stream flow water rights on reaches of the Pend Oreille, St. Maries, Pack, Moyie, St. Joe, Coeur d'Alene, and Spokane rivers that protect approximately 17,600 cfs total flow. In 1927, the state established minimum lake levels for Priest, Pend Oreille and Coeur d'Alene lakes. These water rights protect and support many beneficial uses of water such as fish and wildlife habitat, aquatic life, recreation and aesthetic values, and navigation in the Panhandle basins and make a significant contribution to the economy of the region and the state.

Population growth and new water demands may increase the need to obtain additional minimum stream flows in the Panhandle region. The establishment and use of local water supply banks and rental pools should be considered as a strategy for addressing the need for meeting minimum stream flow water rights or new rights in the Panhandle region, including minimum lake levels for the protection of navigation and transportation, fish and aquatic resources, and aesthetic and recreational values.

Implementation Strategies:

- Coordinate with state and federal agencies and stakeholders to identify potential minimum stream flow needs.
- Submit applications for minimum stream flow water rights that are in the public interest.
- Monitor activities that could impair minimum stream flows.
- Evaluate the need for establishment of local water supply banks.

Milestones:

- Minimum stream flow water rights established.

7C - NAVIGATION, FISHERIES, AND RECREATION

Water management decisions in the Panhandle Region should minimize, where feasible, adverse effects on navigation, fisheries, and recreation.

Discussion:

The Panhandle's lakes and rivers provide for commercial and recreational navigation and important habitat for numerous fish and wildlife species. These resources are also affected by the operation of private and federal hydropower projects. Avista's Clark Fork projects, located in Montana and Idaho, are operated pursuant to a Federal Energy Regulatory Commission license based upon a comprehensive settlement agreement executed by Idaho, Montana, federal agencies and Indian tribes, and other stakeholders. The Post Falls project license is also based, in part, upon a settlement agreement between Avista, the Idaho Department of Fish and Game and the Idaho Department of Parks and Recreation. The Post Falls license requires a summer full-pool elevation and fall draw-down protocol for Lake Couer d'Alene that is protective of fishery needs, while providing adequate lake levels for summer recreation activities and navigation.

On the Pend Oreille River, the U.S. Army Corp of Engineers operates Albeni Falls Dam, which controls the level of Lake Pend Oreille. Lake Pend Oreille has been designated a Special Resource Water, a special body of water recognized by the state as needing intensive protection. Since 1996, consistent with a U.S. Fish and Wildlife Service Biological Opinion on the operation of the Federal Columbia River Power System, winter lake levels have been managed for the protection of the lake's kokanee population, an important forage base for ESA-listed bull trout. Winter lake level management also directly affects the amount of erosion and sedimentation that occurs, waterfowl habitat, water quality, navigation, and shoreline infrastructure. Cooperation between the state and federal government and community stakeholders is essential for making sound management decisions regarding the operation of Albeni Falls Dam.

In 2003, the Idaho legislature created the Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River Commission (Lakes Commission) to address water quantity and water quality issues affecting the state's and local communities' interests, while recognizing existing authorities. The Idaho Water Resource Board supports the Lakes Commission's participation in regional water management decisions and efforts to minimize adverse effects on navigation, water quality, and fish, wildlife, and recreational resources.

Implementation Strategies:

Milestones: