BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF MANAGEMENT OF GROUND WATER WITHIN THE RATHDRUM PRAIRIE GROUND WATER MANAGEMENT AREA	)))))	**FINAL ORDER ADOPTING GROUND WATER MANAGEMENT PLAN**

The Director of the Idaho Department of Water Resources ("Director" or "Department") is responsible for managing the allocation and use of ground water resources in the state of Idaho. A ground water management area, with an associated advisory committee, has been designated to facilitate management of ground water in the area overlying the Rathdrum Prairie-Spokane Valley Aquifer within the State of Idaho. The advisory committee has submitted to the Director a "Recommended Ground Water Management Plan" that strives to balance the protection of existing ground water uses and water quality with the opportunity for future development, while encouraging water conservation. Based upon the recommended plan and his understanding of the law governing management of ground water resources, the Director enters the following Findings of Fact, Conclusions of Law, and Final Order adopting a ground water management plan for the Rathdrum Prairie Ground Water Management Area:

FINDINGS OF FACT

1. The Director designated the Rathdrum Prairie Ground Water Management Area ("RPGWMA") by order issued on December 11, 2002 ("Designation Order").

2. The area covered by the designation encompasses the Rathdrum Prairie-Spokane Valley Aquifer within the state of Idaho located in parts of Kootenai and Bonner counties and includes more than 200 square miles of land.

3. Ground water resources in the Rathdrum Prairie-Spokane Valley Aquifer supply much of the drinking water, irrigation, recreation, commercial, and industrial needs of the Rathdrum Prairie area.

4. The Designation Order also created the Rathdrum Prairie Ground Water Management Area Advisory Committee, comprised of nine members representing the interests of citizen groups, municipalities, counties, and other irrigation, commercial, and industrial water users within the designated area.

5. The Advisory Committee submitted a "Recommended Ground Water Management Plan" for the RPGWMA to the Director on May 4, 2004, together with letters of

comment that the Committee received from members of the public in response to their circulation of a draft plan.

6. The Department prepared a Draft Ground Water Management Plan based upon the recommended plan submitted by the Advisory Committee. Copies of the draft plan were made available to the public and the Department conducted a public meeting in Hayden, Idaho, on the evening of July 28, 2005, to discuss the draft plan with area residents. The Department received one letter of comment regarding the draft plan following the public meeting.

CONCLUSIONS OF LAW

1. The Rathdrum Prairie Ground Water Management Area was designated pursuant to the provisions of Idaho Code § 42-233b, which provides in pertinent part:

> When the director of the department of water resources designates a ground water management area, or at any time thereafter during the existence of the designation, the director may approve a ground water management plan for the area. The ground water management plan should provide for managing the effects of ground water withdrawals on the aquifer from which withdrawals are made and on any other hydraulically connected sources of water.

2. A ground water management plan, incorporating as appropriate the recommendations of the advisory committee, should be adopted for the RPGWMA.

ORDER

IT IS HEREBY ORDERED that the Director adopts the Ground Water Management Plan for the Rathdrum Prairie Ground Water Management Area, as revised. The adopted plan is set out in full as "Attachment A" to this Order and is hereby made a part of this Order.

IT IS FURTHER ORDERED THAT this order is issued in accordance with Rule 740 of the "Rules of Procedure of the Department of Water Resources," IDAPA 37.01.01. Notice of the order shall be mailed to affected holders of pending applications to appropriate ground water and published in a newspaper of general circulation in each of the counties covered in whole or part by the RPGWMA.

DATED this 15th day of September, 2005.

KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of September, 2005, the above and foregoing document was served by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

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Victoria Wigle

Victoria Wigle
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Idaho Department of Water Resources

ATTACHMENT A

MANAGEMENT PLAN FOR THE RATHDRUM PRAIRIE GROUND WATER MANAGEMENT AREA

Adopted by the Director of the Idaho Department of Water Resources
September 15, 2005

1.0 General

1.1 The Rathdrum Prairie Ground Water Management Area ("RPGWMA") is located in Kootenai and Bonner Counties. The Rathdrum Prairie lies over the Idaho portion of the extensive Rathdrum Prairie-Spokane Valley ("RP-SV") Aquifer, which extends from Lake Pend Oreille to Long Lake, in Spokane County, Washington. The portion of the aquifer in Idaho is a prolific and provides an extensive ground water supply.

1.2 The RP-SV Aquifer is a thick layer (as much as 600 feet) of coarse sediments (gravels, cobbles, and boulders) deposited by catastrophic flooding associated with the rapid draining of ancient lakes when ice dams broke. This geologic feature extends southwest from the southern end of Lake Pend Oreille in northern Kootenai County, Idaho, past the Idaho-Washington border and then west towards Spokane, Washington, covering an area of about 320 square miles of which approximately 200 square miles are in Idaho.

1.3 Ground water within the aquifer occurs under unconfined, non-artesian conditions. The top of the saturated surface within the aquifer (the ground water table) is sufficiently lower than the surface elevation of all of the lakes and the reach of the Spokane River located within Idaho, such that ground water is not tributary to surface water within Idaho, but is tributary to the Spokane River and tributaries in Washington beginning about five to seven miles west of the state line.

1.4 While protecting the sovereign rights of the State of Idaho, the Idaho Department of Water Resources ("IDWR") supports the concept of regional water management for the RP-SV Aquifer. The aquifer is a regional resource that requires cooperation for comprehensive management and long-term viability.

2.0 Statutory Requirement and Authorities

2.1 Idaho Code § 42-226 declares all ground water in Idaho to be the property of the state, and charges the state with supervising the appropriation and allotment of the same. One of the purposes of this provision is to assure that early appropriators of ground water are protected in the maintenance of reasonable ground water pumping levels.

2.2 Idaho Code § 42-233b authorizes the Director of IDWR to designate a "Ground Water Management Area" when the water supply in the area may be approaching conditions that could lead to designation as a critical ground water area.

2.3 Idaho Code § 42-233b also authorizes the Director to approve a ground water management plan. The purpose of the plan is to provide for managing the effects of ground water withdrawals on the aquifer and any other hydraulically-connected sources of water.

2.4 Idaho Code § 42-235 provides that a permit to construct a well shall be required to protect the public health, safety and welfare, and the environment, and to prevent the waste of water or mixing of water from different aquifers.

2.5 Idaho Code § 42-237a.g, Idaho Code, empowers the Director to prohibit or limit the withdrawal of water from any well during the period that he determines that water to fill any water right is not available.

3.0 Management Plan ("Plan")

The following goals, strategies, and actions are adopted for use in future management of the ground water resources of the RP-SV Aquifer and associated activities.

Goal 1

Obtain adequate technical data and quantification of water availability to make knowledgeable and appropriate management decisions about the ground water resources of the Rathdrum Prairie.

3.1.1 IDWR supports and is participating in the ongoing, bi-state, hydrogeologic study for the entire RP-SV Aquifer. This study includes collection and analyses of data to understand the sustainable yield of the aquifer. The knowledge gained will be applied to modeling and other techniques for future management of the aquifer.

3.1.2 IDWR will modify its management of the aquifer as additional information becomes available and as change is warranted. Modifications to aquifer management may include changing the boundary of the RPGWMA, imposing special conditions on new and future water right permits, and other modifications deemed appropriate and consistent with the goals of the Plan and Idaho law.

3.1.3 IDWR will develop an appropriate process to take advantage of opportunities to obtain the following information during well construction and development of specific wells identified by IDWR in strategic locations:

(1) Depth to water
(2) GPS coordinates of well locations
(3) Detailed lithology
(4) Depth to bedrock
(5) Pump tests
(6) Water quality sampling

Goal 2

Obtain adequate technical data and quantification of water use to make knowledgeable and appropriate management decisions about the ground water resources of the Rathdrum Prairie.

3.2.1 IDWR will, as an interim measure, establish a Water Measurement District, as defined by Title 42, Chapter 7, Idaho Code until such time as a water district as described in Title 42, Chapter 6, Idaho Code can be created. A water measurement district will provide needed information about water use on the Rathdrum Prairie. Measurement and reporting to IDWR will assist in compiling water use information for developing and updating a water budget. Monitoring and reporting will be initiated for all consumptive water uses as follows:

3.2.1.1 New uses, 0.2 cubic feet per second (cfs) or less, are required to have a functional metering device, the water user must report the total ground water withdrawal once per year, and the water user must agree to a simple list of conservation measures;

3.2.1.2 Existing and new uses, 0.21 cfs to 1.0 cfs, shall have the same requirements as in 3.2.1.1 plus quarterly monitoring and reporting of ground water depth; and

3.2.1.3 Existing and new uses, 1.01 cfs or greater, shall have the same requirements the same as in 3.2.1.2 except the metering device and water depth must be measured monthly and reported quarterly. A conservation plan must be developed if application is made to appropriate water or to transfer a water right. Upon approval of the application, the plan must be reviewed by the right holder every five years, at a minimum, to evaluate the effectiveness in achieving the conservation goals.

3.2.2 IDWR will work with the advisory committee and local elected officials to determine the feasibility, cost, and potential funding mechanisms to begin an adjudication of water rights in the Coeur d'Alene Basin.

Goal 3

Manage the ground water resource efficiently and fairly for all users of the resource.

3.3.1 IDWR shall evaluate applications for transfer of water rights to ensure consistency with the conservation of the ground water resource and the local public interest.

3.3.2 Upon completion of an adjudication of water rights, a water district shall be created to replace the water measurement district. Water administration under the direction of the water district will provide for the distribution of water in accordance with the elements of the decreed rights and prevent unauthorized uses of ground water.

Goal 4

Encourage water purveyors, regulatory agencies, and local & regional governments to plan for future water needs and incorporate the principles of this Plan in programs, policies, and ordinances.

3.4.1 Long-term planning for municipal and community needs should use the tools available to plan for and protect future water needs. The privileges accorded municipal water purveyors by Idaho law should be investigated for use by all local and regional bodies that qualify for that status.

3.4.2 IDWR encourages local jurisdictions to require connections to community systems when available in lieu of individual wells.

Goal 5

Encourage water conservation efforts by all users of the resource.

3.5.1 For all new water rights or changes to existing water rights held by municipal purveyors, IDWR will require conservation plans for all systems regulated as public water systems. IDWR will enforce adherence to the conservation plan provisions through water right conditions and civil penalties as allowed by law. The advisory committee specifically supports this element of the management plan.

Each plan may include the elements as listed in guidelines published by EPA ("Water Conservation Plan Guidelines", Environmental Protection Agency, 1998, http://www.epa.gov/owm/water-efficiency/webguid.html). These guidelines are primarily designed for public water supply systems. However, any water user can follow the steps described in the guidelines to evaluate the existing conditions and systems, identify and evaluate opportunities for conservations measures, and develop strategies and timetables to meet defined, measurable goals.

The advisory committee will identify elements to be considered by IDWR for inclusion based on system size. The conservation plan may include the following components:

- measurable conservation planning goals
- summary of existing system characteristics and water use conditions
  - water system profile
  - description of planned facilities
- current and future conservation opportunities
  - identification of water conservation measures
  - analysis of benefits and costs
- select water conservation measures
- implementation mechanisms, timetable, and assessment strategy

3.5.2 IDWR encourages the establishment of an aquifer-wide water conservation advisory committee representing municipal purveyors for purposes of water conservation planning, education, and implementation.

3.5.3 IDWR will encourage and assist, through management actions, the following measures:

- Economic support for water purveyors to develop conservation plans through access to federal and state programs, such as the Drinking Water State Revolving Fund (SRF);

- Landscaping efficiency demonstration projects and funding support through state and federal sources;

- Price structures for water use that encourage conservation of water resources;

- Development of water conservation educational activities by municipal purveyors regulated as public water systems; and

- Use of reclaimed water for existing or planned consumptive uses of ground water on the Rathdrum Prairie wherever it is readily available and meets water quality requirements. IDWR supports the investigation of using reclaimed wastewater from municipal wastewater facilities to lessen the impact of the wastewater on the Spokane River.

4.0 Additional Actions

4.1 New domestic uses defined by Idaho Code § 42-111 shall be authorized only upon IDWR approval of an application for a well drilling permit. New individual ground water domestic uses shall be discouraged if water can be reasonably supplied from a municipal source or community system.

4.2 Ground water rights with points of diversion located within the RPGWMA shall not be considered lost, abandoned, and/or forfeited for non-use, in whole or in part, if non-use is for the purposes of conservation or other conditions of this management plan. The five (5) year period of non-use for forfeiture of a water right shall resume upon termination of this Plan unless such non-use is otherwise excepted from forfeiture by Idaho law.

4.3 Any well to be abandoned in the RPGWMA shall require a well abandonment permit issued by IDWR. This requirement will protect water quality and limit wasting of water that might otherwise result from improper well abandonment techniques. Before any well is abandoned, the possibility that it could be used for monitoring should be explored.

4.4 The Director may require aquifer monitoring for any new ground water diversions approved surrounding the RPGWMA to the extent that such monitoring would be expected to yield data relevant to the boundaries and conditions of the RPGWMA.

4.5 IDWR supports the investigation of managed recharge of the RPSV aquifer. During periods of high flow in the Spokane River, the potential exists for enhancing the volume of water that enters the aquifer along the losing reaches of the river. The stored water could then be available for discharge to the river during the traditional low-flow time period. The investigations must evaluate the economics of augmented volumes while preserving the water quality of the aquifer.

4.6 The advisory committee shall continue to perform the duties and provide the representation described in the Order designating the RPGWMA, including recommending solutions to issues that arise in the RPGWMA. The advisory committee shall meet at least once a year no later than May 31. Minutes from this annual meeting shall be provided to the Director. Additional meetings may be convened to address specific issues that arise. Notice of meetings shall meet all requirements of state rules and statutes.

4.7 The Plan shall be reviewed annually by the advisory committee, and modifications shall be recommended to the Director as needed. At the end of each five (5) year period, starting from the date the Plan is approved, the advisory committee shall provide a summary report documenting the progress of the Plan to the Director.