

Rathdrum Prairie CAMP Comments and Testimony
 Compiled June 15, 2011

This document contains copies the comment letters received during the comment period (April 10 through June 10, 2011) and transcribed testimony from the public hearing held on May 13, 2011 regarding the Draft Rathdrum Prairie Comprehensive Aquifer Management Plan

The following is a list of individuals who testified at the public hearing and the organizations they represent:

Testimony	
Norm Semenko	Idaho Water Users Association
David Fortier	Board of Supervisors of the Kootenai-Shoshone Soil and Water Conservation District
Bert Rohrbach	Kootenai County Aquifer Protection District
Lynn Tominaga	Idaho Ground Water Appropriators
Fran Hughes	Kootenai Shoshone Soil & Water Conservation District:

The following is a list of those who submitted written comments and the organization they represent:

Written Comments	
David Fortier	Board of Supervisors of the Kootenai-Shoshone Soil and Water Conservation District
Norman Semanko	Idaho Water Users Association
Lynn Tominaga	Idaho Ground Water Appropriators
Terry Harris Mike Peterson Jennifer Ekstrom Rick Eichstaedt	Joint letter from Kootenai Environmental Alliance The Lands Council Lake Pend Oreille Waterkeeper Center for Justice, Spokane River Keeper
Rachael Paschal Osborn	Center for Environmental Law & Policy Sierra Club Upper Columbia River Group

**RATHDRUM PRAIRIE COMPREHENSIVE AQUIFER MANAGEMENT
PLAN (CAMP)
PUBLIC HEARING TRANSCRIPT**

Idaho Water Resource Board
May 12, 2011

Best Western Coeur d'Alene Inn
Coeur d'Alene, Idaho

Start: 10:35 on recording audio

Mr. Norm Semanko, Idaho Water Users Association: Good evening Mr. Chairman. My name is Norm Semanko, and I am the Executive Director and general counsel for the Idaho Water Users Association. We appreciate the opportunity to testify. You've got a lot more important folks here tonight that are from the local area, so I'm not going to take a lot of time, but I will tell you that IWUA is a statewide group who is interested in the preservation and utilization of water resources of the state for wise and beneficial uses.

We have several members here in Kootenai County, irrigation districts primarily, as well as the city of Post Falls, city of Rathdrum, and we've watched this process very closely. We were asked very early on if we would be interested, we weren't invited, but if we were interested in serving on the Advisory Committee and we said the same thing we said in the Treasure Valley (TV) and that we said in the Eastern Snake Plain (ESP) and that was, no. We have members that are from those areas. They are the ones that need to be around the table but we are interested from a statewide perspective in whatever might come out of the process. So we have attended the meetings. We served on the resource group, which fortunately didn't really need to be utilized a whole lot in this process because you had some wonderful informed people around the table.

I want to compliment the Advisory Committee. We think they did a very good job. We think they were very deliberate in how they approached the issues on the aquifer here in the Rathdrum Prairie (RP) area, and they went certain directions and they decided not to go certain directions. Those were I'm sure very difficult decisions, but we thought they handled them very well. The Plan includes an excellent vision with words like "provide", "sustainable", "preserve", "reliability", and "quality". They really captured the essence of what this Plan is all about, and they seemed to be pretty single minded in their focus towards achieving that vision. We do want to say that we applaud the group not tackling some of the legal or public policy issues that are perhaps more statewide issues but stay focused on the RP aquifer.

A couple of specific things that we wanted to mention and we will provide written comments, as well. With regards to water conservation on page 16, we very much agree with the statements about water conservation and the need to improve the wise use of water through incentive programs, through voluntary program, and focusing on best practices.

One area we're somewhat concerned about and would just ask the Board to take a close look at is at the top right of page 16 where there's a discussion about potential recommendations from the Board to consider regulatory measures through support of legislation that address conservation. For a couple of reasons, one, is that could have statewide impact, not just the Rathdrum, and also looks to be a regulatory issue, and I think very much the flavor of that portion of the plan, as I said earlier, is incentive programs and voluntary programs, kind of the medium intensity conservation efforts. So just something that you might want to take a closer look at.

Funding issues: you are very sensitive to that. I don't need to tell you about that. We did notice on page 16 right below the section I just referenced, under Action Item No. 2 there's a discussion about performing RAFN studies and the question there would be, "Who's going to pay for those studies?" The way the Plan's worded now, it almost makes it sound like the Water Board is going to jump in and help pay for those studies and maybe that's what you intended, but later on in the funding discussion in the Plan, it talks about it being a partnership effort and all other kinds of agencies being involved in funding. You just might want to take a look at that in terms of who would be paying for those studies.

The last thing that we footnote is there is mention on page 11 about EPA approval being required for activities on the sole source aquifer and of course this is a sensitive resource aquifer, as well, through the State of Idaho. Then on page 21 it talks about one of the potential sources of funding, which of course it is, being federal monies. I don't know if the Plan on page 21 might not want to mention that when you bring in that federal nexus on the grants on page 21 you probably need to reference or at least think about referencing the fact that, "Will that require EPA approval?" We've recently seen a letter from one of the conservation groups in the state directed towards activities on the ESP aquifer and whether EPA would need to approve some of those water management activities. Something folks might want to take into consideration as considering potential funding sources. Bottom line we think the advisory committee did a great job, we think they did this in a very timely manner, very efficient, 23 pages before you get to the appendices is very readable, and we appreciated that certainly, and think that in many ways this can be a model for other parts of the state.

Thanks for your time tonight and we will, as I said, submit some written comments with some details. Thank you.

Stop: 16:03 on recording audio

Start: 16:05 on recording audio

Mr. David Fortier, Kootenai Shoshone Soil & Water Conservation Board: Good evening. I'm David Fortier. I'm a member of the Kootenai Shoshone Soil & Water Conservation Board representing this area both from Kootenai County and Shoshone County that are interested in the water resources protection and management of those resources. I'm here tonight to support the efforts that the Advisory Committee and this Plan that has been put together. The goals and objectives that are stated in these Plans are the same kinds of goals and objectives that our district has: protection of the RP and the aquifer is one of the priorities and are goals and objectives of the District. We very much support the concepts and we hope to work with you guys in the future on trying to put together implementation plans and such. We have resources to help, the agricultural community and the area in general, to try and promote these types of activities to protect the aquifer. Very much are concerned and want to help protect the water quality but also the conservation efforts. Also we're very much interested in trying to promote the conservation and better use and wise use of the water resources such that we can continue to ensure that we've got a good water supply for the agricultural community as well as the municipal community. As one of the board members I want to very much express that I think these guys have done a very good job in putting this Plan together and very much hope that you guys can promote and get this Plan implemented and accepted such that we can get it to the implementation phase and try to make a better difference on the aquifer.

Thank you for your time.

Stop: 18:35 on recording audio

Start: 18:45 on recording audio

Mr. Bert Rohrbach, Chairman, Kootenai County Aquifer Protection District. Thank you, gentleman. As you are probably aware, we are the only aquifer protection district in the State of Idaho and that has created some interesting history and challenges for us. However, a review of Title 39, Chapter 5, 100 Statute is very specific to water quality and while we've played a role with our members sitting on the CAMP and supporting it strongly we've kind of had the challenge of being very focused on quality and yet realizing that's symbiotic to quantity. In Appendix A, the language that's presented there, caused some concern among our group in the area that we have no regulatory authority. We are not a policing agency. In Kootenai County for the most part, DEQ and Panhandle Health District have the regulatory authorities. So when you look at some of the language in Appendix A, we would ask you to revise that or reflect on it a little bit in those areas where it says, "promote practices" or "determine permissible land use" "determine monitoring". We would rather have some of that language changed to enhance, coordinate, support because the regulatory agencies are the ones that are going to develop those standards but the Aquifer Protection District will assist with coordination, communication, and in some cases funding. Again, we have such a narrow, non regulatory focus that we just wanted to bring this to your attention specific to Appendix A. Questions? Thank you.

Stop: 20:38 on recording audio

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Mr. Lynn Tominaga, Idaho Ground Water Appropriators (IGWA): Mr. Chairman, members of the Board, normally in the public testimony do you also have to give your physical address and things of that nature or do you want that? When I testified before with DEQ and things like that they usually ask where you live.

Ms. Harrington: We do have that recorded on the sign-in sheet.

Mr. Tominaga: Oh, that's true. Mr. Chairman, members of the committee of the Board, my name is Lynn Tominaga. I'm the Executive Director of the IGWA. We are an association of ground water districts that represent about 1,000,000 acres of irrigated lands along the ESPA, but we also have a number of cities and agri businesses that we also represent. We're here today to, we've been observers of the process in that whenever you talk about ground water in the state, usually the members of our association are very interested in seeing, making sure that we have a consistent policy throughout the State as it applies to ground water and ground water mgmt. We've been very pleased with observing the advisory committee and that they, the Plan that's being presented before you hopefully will avoid future conflicts that probably will come up in the next 10 or 15 years. Because most of my members are on the ESP, we can tell you that we've been through almost 10 years of legal battles because we didn't have the ability to be farsighted enough to try and sit down and work out a plan before these lawsuits popped up. We believe that this Plan helps to try and avoid that, and we believe that this is a good start in trying to make sure that you avoid those conflicts in the future. In terms of the federal monies, we believe that's been very important in the ESPA. We have received, probably anywhere between \$5 million from USDA through the AWEP program, which is the Agricultural Water Enhancement Program. We have also received millions of dollars in trying to do a CREP program, which is the Conservation Reserve Enhancement Program. Also through USDA,

where we have come in and provided, the USDA's provided folks to be able to lay ground out for a 15-year period. So those are the kind of programs that we think might be able to help and if this is adopted by the State then we can get our Congressional folks, Sen Risch, Sen Crapo, Rep Simpson, and Rep Raul, anyway congressman, to come and help with trying to get some federal funds to help on this particular aquifer also. We believe that federal funds can be helpful. I agree with Mr. Semanko that you need to make sure, watch out for the strings that might be attached, but we have not had any problems or concerns with the federal funds that we've been able to gain from the USDA programs. So we believe there's an opportunity there for that to happen. We will provide some additional comments to the Board at a later date. We just wanted to say that we're very impressed with the Advisory Committee in terms of the Plan that they've put together, and we believe that it should move forward.

Stopped: 25:30

Start: 25:39

Mr. Fran Hughes, Kootenai Shoshone Soil & Water Conservation District: Good evening. I'm Fran Hughes. I farm out on the Rathdrum Prairie, and I'm like with David Fortier, with the Kootenai Shoshone Soil & Water Conservation District. First, thank you for coming up from southern Idaho and bringing some southern weather with you because we've been under it for months. I guess I would second what Norm Semanko and Bert Rohrbach talked about voluntary programs vs. regulatory in nature. The Soil Conservation District, we live and die by voluntary incentive based programs where we offer cost shares for people that want to plant trees or whatever (unintelligible) you name it. We're not the heavy handed government and nobody will participate with us in anything if it's like that. We attract more people with honey than with vinegar. So we would be a partner. Soil conservation districts around the State are good partners for things like this because we're voluntary in nature, we serve without pay, and we're elected by the voters. We answer to them, and we're very low overhead. Anything that comes in by way of a grant or whatever to us pretty much goes straight out to the project. As this moves forward into implementation I think we might be a good partner for you in that regard and I hope you would consider that. With respect to some of the specific objectives, demand and efficiency and so on, we're working with some folks out in my neighborhood on improving efficiency of irrigation and so on. A lot of people like to talk about farming as a huge user of water, right Lynn? But the thing is we don't use anymore than we absolutely have to. People wash a car or whatever and it all just goes right down the drain, so even though we use a lot, you have to offset that with other things that farming prevents, like loss of soil, pesticides going down the drain. The homeowner can just do things without following the label where the farmers are licensed to use it and so on and they're very cautious about how they use things. And then I would just like to close by saying that I farm some ground over on the west side of the Prairie where Hauser Lake runs out onto the aquifer and I'd like to plant this one field so I wish you guys would get your lake off my farm ground (laughter).

Stop: 28:03 on recording audio

June 10, 2011

Idaho Department of Water Resources
Attn: Sandra Thiel
PO Box 83720
Boise, ID 83720-0098

To the Idaho Water Resource Board

Comments on the draft Rathdrum Prairie Comprehensive Aquifer Management Plan

As a member of the Board of Supervisors of the Kootenai-Shoshone Soil and Water Conservation District (KSSWCD), I stated at the public hearing May 12, 2011 in Coeur d'Alene that our District supports the objectives and goals of the aquifer management plan. The draft plan and the Advisory Committee's efforts are similar to the goals and objectives in KSSWCD's annual and 5-year work plans for aquifer protection of water quality and water conservation. We look forward to working with the Advisory Committee and Water Resources Board in developing future planned activities and implementing needed actions to enhance and protect the Rathdrum Prairie aquifer.

Based on discussions after the hearing, I would like to add a comment on the need to further examine recharge areas around the edge of the aquifer and from the surface water infiltration recharge areas. The edge recharge areas are where the waters are at and the ground water nearest to the surface making them very sensitive and needing to be watched and protected to minimize potential contamination to the aquifer. These areas need to be better identified and evaluated. The key recharge areas need to be evaluated as to the existing land uses and future potential uses. Agricultural use and practices are important to consider for nutrient and bacterial consideration. Livestock (cattle and horse) grazing and feeding operation over and near the recharge areas should be identified. Industrial and commercial operations should also be identified and examined for hazardous and fuel storage and stormwater management practices. Subdivision and urban development areas needs to identified and examined as to stormwater management and effects on water drainage and infiltration functions, and also for septic tank density or adequate wastewater treatment systems. I think the edge and surface water recharge areas need to be better identified and evaluated to ensure that adequate conservation and protection measures and practices can be encouraged and implemented to better protect and use the aquifer resources.

Thank you for the opportunity to comment on and for consideration on the plan. I encourage the board to move ahead with the plan and development of implementation plans and efforts to better protect and use the aquifer resources.

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June 9, 2011

Sandra Thiel
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

HAND DELIVERED

Re: Rathdrum Prairie Aquifer Comprehensive Aquifer Management Draft Plan

Dear Sandra:

These comments are submitted on behalf of the Idaho Water Users Association (IWUA), regarding the draft Comprehensive Aquifer Management Plan (CAMP) for the Rathdrum Prairie (RP) Aquifer.

IWUA represents numerous water delivery organizations throughout the state of Idaho, including irrigation districts and municipalities in the RP CAMP area. Several IWUA members serve on the RP CAMP Advisory Committee. IWUA has attended Advisory Committee meetings and also testified at the public hearing in Coeur d'Alene on May 12.

IWUA has been, and continues to be, a supporter of the statewide CAMP process, including the RP CAMP. Our organization supported authorizing and funding legislation before the Idaho State Legislature in 2008 (House Bill Nos. 428 and 644). We believe strongly in the need to diagnose the health of our state's aquifers and to prescribe plans as necessary to provide for their management and to assure adequate water supplies.

IWUA compliments the Advisory Committee (AC) for staying on task and preparing a workable draft plan with an excellent vision statement, set forth on page 5 of the draft. We also applaud the AC for largely avoiding the temptation to tackle statewide statutory, regulatory or policy issues. Such questions are not within the scope or authority of the CAMP process. The one notable exception to this is the following paragraph on page 16 of the draft plan:

"In compliance with Idaho water law, water conservation should be a consideration in the IDWR review process for new and transferred water appropriations. In the event additional measures are found necessary to maintain a sustainable aquifer; **the Board recommends consideration of regulatory measures through support of legislation that addresses conservation.**"

We request that this paragraph be removed from the draft plan, particularly the second sentence.

Sandra Thiel
June 9, 2011
Page 2

The first sentence is unnecessary and fails to accurately and completely set forth what current Idaho law requires with regard to the consideration of water conservation in the water permitting and transfer processes. Idaho Code Sections 42-203A(5) and 42-222(1) only require a determination that permit applications are not "contrary to conservation of water resources within the state of Idaho" and, in the case of transfer applications, that "the change is consistent with the conservation of water resources within the state of Idaho". IDWR is required to comply with these provisions, and many others, in processing applications statewide. To the extent this sentence creates confusion, or an expectation that IDWR will require mandatory conservation measures, it should be removed from the draft plan.

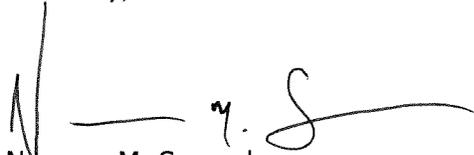
The second sentence would take the Idaho Water Resource Board into a regulatory role – one with potential statewide implications. Calls for mandatory, regulatory conservation measures are beyond the scope of anything that was intended by the Idaho State Legislature when it authorized and funded the statewide comprehensive aquifer management and planning effort. It is also outside the authority conferred upon the Idaho Water Resource Board by any statute or constitutional provision. This is a statewide, regulatory issue best left to another day and another venue. As a result, this sentence should be removed from the draft plan.

IWUA agrees with and supports the other statements regarding water conservation on page 16 of the plan. In particular, we agree with the "ongoing goal to improve wise use of water", "through incentive programs" and "voluntary programs. . .by the use of best practices". However, calls for potential statewide regulatory measures should not be included in the plan.

The remainder of IWUA's comments on the draft plan were provided during oral testimony at the hearing in Coeur d'Alene on May 12 and are herein incorporated by reference.

If you have questions or require clarification of any of our comments, please feel free to contact us. We appreciate the opportunity to be of assistance.

Sincerely,



Norman M. Semanko
Executive Director & General Counsel

cc: Idaho Water Resource Board
Governor Butch Otter
Interim IDWR Director Gary Spackman
Senate Resources and Environment Committee
House Resources and Conservation Committee

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United Water of Idaho

June 9, 2011

Mr. Terry Uhling, Chairman
Idaho Water Resource Board
322 East Front Street,
P.O. Box 83720
Boise, Idaho 83720-0098

Attn: Sandy Thiel

Re: Comments on Rathdrum Prairie CAMP

Dear Mr. Uhling:

The Idaho Ground Water Appropriators (IGWA) is a statewide association of ground water users comprised of nine ground water districts, two irrigation districts, and a number of municipal, commercial and industrial ground water purveyors. Formed in 1994 to provide ground water users with a common voice and representation on legal, technical, and governmental issues, IGWA's members irrigate over one million acres of agricultural land and provide municipal water supplies to over 100,000 businesses and households.

IGWA works with state and federal agencies, including but not limited to the Idaho legislature and congressional delegation, Governor's office, Idaho Department of Water Resources (IDWR) and Idaho Water Resource Board (IWRB). IGWA participated in developing IDWR's ground water model for the Eastern Snake Plain Aquifer (ESPA) and has also been involved in numerous administrative hearings, negotiated rulemakings, and

landmark court cases that have contributed significantly to ground water management in the state of Idaho.

IGWA offers the following comments with respect to the Rathdrum Prairie Comprehensive Aquifer Management Plan (CAMP) now under consideration by the Idaho Water Resource Board.

Maximum Beneficial Use and Full Economic Development should be the guiding principles for water management on the Rathdrum Prairie Aquifer. This should be outlined in any planning document moving forward.

Identifying funding and assigning responsibility for implementation is critical to the Plan's success. The advisory committee should move forward in identifying the sources of funding and create an action plan to accomplish this goal.

Forming a Rathdrum Prairie Aquifer Ground Water District as outlined in Idaho Code 42-5200 could be a way to address and fund many of the issues outlined in this planning document. A ground water district is made up of local ground water users with an elected board that has the authority to develop, implement, and fund projects and programs.

As defined in Idaho Code a ground water district can include any entity using water for municipal, commercial, industrial or agricultural purposes with the exceptions of water rights exclusively diverted for domestic or stock uses and ground water rights held by tribal, federal, or state entities. Ground water districts can be involved in activities that range from water measurement to monitoring, testing, conservation, mitigation, leasing, facility construction, and more. The costs are shared among all ground water users within the ground water district's boundaries. If set up properly, those boundaries could extend across a large geographic area and possibly include the entire basin.

IGWA would be happy to assist local entities who might be interested in the forming a ground water district.

Water District: Once the North Idaho Adjudication is completed, IGWA further suggests that A water district be formed as defined in Idaho Code 42-600. water district is locally governed by an advisory committee that is elected from among its members and can perform a number of functions such as enforcing adjudicated waters rights and assessing for water administration. In the past, Idaho Department of Water Resources (IDWR) has provided operating money for the first two years before patrons are assessed.

Informal Agreements: IGWA encourages the Idaho Water Resource Board to initiate formal discussions between the states of Idaho and Washington regarding the aquifer with the intention of developing informal agreements between the states on a number of concerns outlined in the Plan. Perhaps a good conduit for beginning such discussions could be the Western States Water Council (WSWC).

Reasonable Anticipated Future Needs (RAFN) is an issue that has generated some concerns in this and other CAMP processes. IGWA supports action from IDWR to initiate a

negotiated rulemaking process to address RAFN that allows all water users from across the state to participate.

Other Potential Goals for the Rathdrum Prairie CAMP might include **targeted goals** that can be evaluated in intervals of five or ten years over the 50-year planning horizon, the construction of **small reservoirs** throughout the basin to store precipitation which then could be used for flow augmentation and improve fish and wildlife habitat in drought years, and the implementation of a **pollution trading program** to address the on-going issue of phosphate loading in the Spokane River.

The way we define problems often limits the way we think about solving them. There are no easy answers in resolving complex water management problems. A comprehensive solution will involve many measures implemented in different locations at different times and to varying degrees. IGWA commends the Rathdrum Prairie CAMP Advisory Committee as a whole and its individual members for the time, effort and expertise they brought to this process. It has been a pleasure to follow the development of this plan as part of a statewide effort to improve ground water quality and quantity.

Sincerely yours,

Lynn Tominaga
Executive Director



Kootenai Environmental Alliance

**Kootenai Environmental Alliance * Lands Council
Spokane Riverkeeper * Lake Pend Oreille Waterkeeper**

**Joint Comments to the Idaho Water Resources Board
Draft Comprehensive Aquifer Management Plan
Rathdrum Prairie Aquifer
June 10, 2011**

Thank you for the opportunity to comment on the draft Comprehensive Aquifer Management Plan (CAMP) for the Rathdrum Prairie Aquifer. Please accept these joint comments from Kootenai Environmental Alliance, the Lands Council, Spokane Riverkeeper and Lake Pend Oreille Waterkeeper.

We appreciate the hard work that was clearly required to come up with this plan. We agree with the IWRB goals for aquifer planning, and we agree with the CAMP's vision statement for our important regional aquifer. However, we are concerned that the action items as described in the CAMP are not specific enough, not enforceable enough, and they don't go far enough to properly protect the aquifer resources. We believe the action items developed for the plan will prove to be insufficient to meet the CAMP's expressed vision in the timeframe contemplated.

1. Water Conservation

To meet its first objective to meet future demand for water, the CAMP relies on a mid-level "moderate" water conservation regime. The CAMP relies on "voluntary" and "incentive-based" conservation measures to achieve the strategy, along with unspecified "partnerships" for "education programs" and "demonstration projects." While we do not intend to diminish the importance or necessity for such things, we are concerned that the CAMP provides no measurable targets for such actions and no means for program accountability.

We appreciate that the CAMP does provide that "In the event additional measures are found necessary to maintain a sustainable aquifer; the Board recommends consideration of regulatory measures through support of legislation that addresses conservation." (p. 16.) We suggest that this provision be much more specific as to what circumstances should trigger regulatory measures and what types of regulatory measures should be implemented. Otherwise, the current catch-all provision is not particularly helpful in actually achieving the CAMP vision.

We wholeheartedly agree that local land use decisions will have enormous impacts on future aquifer use, but we are concerned that the CAMP gives nothing but vague guidance as to what

concrete measures local agencies and “partnerships” should undertake. The IWRB can and should be much more active and engaged in local decision-making in a role that results in preventing wasteful water use, and restricting development that adversely impacts the aquifer’s water supply.

2. Exportation of Water from the Basin

We are extremely disappointed in the CAMP’s utterly unhelpful proposed action to “Carefully consider hydrologic and social impacts of exportation of water from the basin.” (p. 17.) In essence, the CAMP simply restates the obvious by restating the law. The CAMP should instead provide much more specific guidance as to the circumstances, standards, and limitations under which such exportation would or would not be appropriate. Indeed, given the demands on water, the need for conservation, and other imperatives such as downstream habitat and water quality – we cannot conceive of any justification for a significant export of aquifer water out of the basin. The CAMP should be clear about that.

3. Criteria for artificial recharge

Similarly, we are disappointed with the CAMP’s unhelpful language on artificial recharge projects. (p. 18.) Artificial recharge projects should not be a substitute for proper aquifer management, development regulations, and water conservation programs and requirements. Again, we believe, at the very least, the CAMP should be specific about circumstances, triggers, standards, legalities, and limitations for such projects. The CAMP should make it clear that major artificial recharge projects should be a last resort, and should be considered only as a temporary, emergency, short-term solution after all other efforts have failed.

4. Water Quality

As the CAMP suggests, water quality in the sole source aquifer is of “paramount importance” but the CAMP provides only the most minimal suggestions for action. Indeed, the first action to “ensure projects implemented through CAMP protect aquifer quality” should almost go without saying. The second action to “support and encourage” state and local agencies to “address overlapping jurisdictions with the goal of improving efficiency” does nothing, necessarily, to identify mitigate or prevent threats to the aquifer.

The CAMP should be more explicit about the threats, more aggressive in prevention, and more detailed in assigning responsibility for action. Moreover, relying on suggestions in an appendix directed at the Aquifer Protection District – an organization limited in both funding and authority – seems like an avoidance of more direct responsibility. In fact, some of the CAMP “strategy” suggestions for the Aquifer Protection District are probably misdirected and should be assigned to other agencies.

5. Spokane River

The CAMP mentions, but does not go into any significant detail about the interaction between the aquifer and the Spokane River. (The working memo attached as an appendix is unhelpful and lacking in context.) If an objective is to truly “Prevent and Resolve Water Conflicts,” then a more robust discussion of downstream needs for habitat, flows, and water quality should be included in the CAMP.

6. Restoration Opportunity and Impacts

We note that the CAMP addresses climate impacts, but does not expressly consider the variation of water supply coming in to the aquifer and how restoration, particularly in the Coeur d’Alene Basin, but also the Clark Fork, could improve late season flows to the aquifer. The hydrograph for the CDA River, which feeds the aquifer, indicates declining late summer flows for the past century. Loss of groundwater storage, loss of forest cover, disconnection of streams from floodplains have all altered late summer flows and watershed restoration could actually improve the situation – and can help compensate for climate change. The CAMP should recognize this opportunity and support further land and forest restoration.

7. Representation on the CAMP Advisory Committee

Finally, we reiterate our initial objections to the membership of the CAMP Advisory Committee. As the IWRB will recall, local conservation organizations put forward several names of representatives of local conservation interests, which were unreasonably and capriciously rejected. To our knowledge no other stakeholder-suggested Committee members were rejected. We appreciate the hard work of the Advisory Committee members who were ultimately appointed, and we appreciate the conservation interests put forward by some of those members. Nevertheless, the failure to include legitimate stakeholders in a meaningful way calls the legitimacy of the entire CAMP process – and report – into question.

/s/ Terry J. Harris

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CLEAN, FLOWING WATERS FOR THE WEST

The Center for
Environmental Law & Policy

June 13, 2011

Idaho Water Resources Board
c/o Sandra Thiel
via e-mail to idwrinfo@idwr.idaho.gov
cc: Helen.harrington@idwr.idaho.gov

Re: Comments on recommended Rathdrum Prairie Comprehensive Aquifer Management Plan

Dear Idaho Water Resources Board:

These comments are submitted on behalf of the Center for Environmental Law & Policy (CELP) and the Sierra Club Upper Columbia River Group. CELP is a public interest organization dedicated to protection and restoration of the freshwater resources of the Columbia River watershed. CELP's Spokane River Flow Project works to ensure that instream flows in the Spokane River are adequate to protect public values and uses, including wild redband trout, water quality, recreation and navigation, and aesthetic and scenic beauty. Sierra Club Upper Columbia River Group (UCR) is the largest environmental group in the region, and its Spokane River Project has long been dedicated to protection and restoration of the Coeur d'Alene and Spokane River basins.

Our organizations have been involved in many years of effort to promote sustainable use of the waters of the Spokane River and Spokane Valley-Rathdrum Prairie Aquifer (SVRPA), including participation in the Rathdrum power plant appeals, the petition for IDWR moratorium on new water rights (which led to creation of the Rathdrum Groundwater Management Area), participation in the SVRPA bi-state study process, participation in the Washington Spokane River instream flow subcommittee of the WRIA 57-54 Watershed Planning process, and participation (and litigation) relating to the federal dam licensing proceedings as it pertains to instream flow "spill" requirements for Avista's dams on the Spokane River.

CELP and UCR are concerned about the impact of increased SVRPA groundwater pumping and usage on flows in the Spokane River. Because of the unique hydrology of the aquifer-river system, these impacts occur in the Washington portion of the Spokane River. Our concerns are "equal opportunity" – increased pumping in Washington pursuant to "inchoate" municipal water rights is as much a problem as increased pumping in Idaho, and our advocacy extends to both sides of the state line. In our view, the Washington-side impacts of pumping should be a concern in Idaho and should be reflected in water resource planning. The River and Aquifer are shared resources. The flows of the Spokane River support public values – including fisheries, water quality and recreation – that are of equal benefit and enjoyment to the citizens of both states.

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- Our first comment then, is addressed to the modeling of the impacts of future consumptive use on flows in the Spokane River. This modeling is discussed in the draft report and a memorandum describing the model effort and results is set forth in Appendix 4. The modeler concludes that the 50-year increase in water usage in Idaho will result in a total maximum depletion of 31 cfs somewhere along the Spokane River. As we understand it, the modeler made some simplifying assumptions to arrive at this figure. Those assumptions and the limitations of the analysis were presented to the CAMP planning group, but are not discussed in the memo. We suggest that the Appendix 4 memo be amended or augmented to explicitly identify the assumptions that may affect the results of the model. These include (1) an assumption that there would be no new wells in the future, only increased withdrawals from existing wells, (2) lack of accounting for future changes in land use that might enhance or inhibit return flow and (3) holding Washington pumping steady at 2005 rates, thus affecting the gradient which could attenuate the impacts of Idaho pumping. We do not object to use of a simplified analysis. Our concern is that future planners, agency staff and the public understand that more detailed analysis will be needed to accurately identify impacts of Idaho pumping. We therefore request that the limitations be spelled out in Appendix 4.
 - Second, the CAMP plan should describe and evaluate the full scope of impacts of pumping of existing Idaho water rights on the Spokane River in Washington. One useful analysis would evaluate the impacts of increased pumping for the past 10 years, since the Rathdrum power plant water rights were denied. By our calculation, IDWR has now incrementally issued water rights that are equivalent in quantity, perhaps even larger, than the rights denied to the power plants in 2002.
 - The CAMP plan should discuss and address the fact that Idaho does not now require consideration of impacts to the Spokane River, nor mitigation of those impacts. We urge the Water Resources Board to adopt a plan that recognizes that Idaho pumping does deplete flow in the River and that proposes mechanisms to ameliorate the adverse effects. While the CAMP plan discusses possible future mitigation scenarios (e.g., artificial recharge), mitigation should be incorporated into water rights at the time they are issued. Given the emphasis on ensuring that "reasonably anticipated future needs" of municipalities are covered, it is appropriate to consider and address the environmental impacts of meeting those needs.
 - The CAMP plan should call for mandatory conservation planning and implementation, as did the original Rathdrum Groundwater Management Plan. While the 2005 plan is referenced, its call for mandatory conservation by municipal purveyors is not adopted into the CAMP measures. Voluntary measures typically do not lead to conservation planning that ensures future needs are met while maintaining a sustainable aquifer and ecosystem. It is a disappointment to see backsliding from the GWMA conservation mandate.
 - The CAMP plan should call for metering of all water uses. It is not possible to manage what is not measured. This plan provides an opportunity to establish a universal metering requirement.
 - The proposal for regional dialogue to prevent water conflict is meritorious, but is not structured to achieve the goal. Instead meetings substitute for action and will delay consideration of the impacts of Idaho's present and future water use. The "Moscow Pullman aquifer effort" referenced in Appendix 7 is an unenforceable informal agreement between state agencies that

has failed to achieve sustainable use of the water resource of concern: the Palouse Basin Grande Ronde Aquifer. The Palouse Basin Aquifer Committee process is also structured to limit citizen participation. It is not an appropriate model for resolving interstate water conflict in the Spokane River basin.

Thank you for the opportunity to provide comments on the Rathdrum Prairie CAMP draft recommended plan. Please do not hesitate to contact me if I can furnish additional information.

Sincerely,



Rachael Paschal Osborn, on behalf of

- Center for Environmental Law & Policy
- Sierra Club Upper Columbia River Group