January 5, 2009

To Whom it May Concern,

Friends of the Teton River (FTR) is a non-profit organization based in Driggs, Idaho. With over 800 members, FTR has been working for clean water, healthy streams and abundant fisheries in the upper Teton Basin since 2001, using sound science and collaboration to accomplish on-the-ground watershed improvement projects.

FTR supports the Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan (CAMP), as well as the collaborative process used to develop the plan. We hope that the hard work of the diverse CAMP advisory group will be respected and that the CAMP will be implemented as proposed, using the balanced approach of demand reduction, aquifer recharge, and water supply augmentation.

We are encouraged that the CAMP meets hydrologic goals for both the near term (300 kaf) and long term (600 kaf) without new dams for surface water storage. The costs, both ecological and financial, of new main-stem dams are far too great and new dams face significant public opposition both in the Teton River basin and statewide, as evidenced by the recent (12/30/2008) editorial in the Idaho Statesman opposing new Teton Dam studies.

Of particular importance to FTR and residents of the Teton River basin is the CAMP *Downstream Transfer Policy* (§3.2.2. #6), which will *"Encourage providing water for recharge and conversion projects through downstream transfers of surface water rights to the ESPA in a manner that enhances flows in flow-limited tributaries."* Implemented in such a way, downstream transfers to meet CAMP objectives could provide additional benefit to stream ecosystems, fisheries, aesthetics, and recreation.

In summary, FTR supports the balanced, collaborative approach of CAMP, and wants the plan implemented in a way that maximizes benefits to fish and wildlife. We hope that CAMP will become a model for collaborative, stakeholder-driven problem solving on challenging natural resource issues.

Sincerely,

Ty Mack
Streamflow Restoration Director
Friends of the Teton River
P.O. Box 768
Driggs, ID 83422
208-354-3871

RECEIVED
JAN 05 2009
DEPARTMENT OF
WATER RESOURCES

Idaho Trout Company
1301 Vista Avenue
Boise, Idaho 837056
January 5, 2009

Idaho Department of Water Resources
Attn: Sandra Thiel
PO Box 83720
Boise, ID 83720-0098
Email: IDWRinfo@idwr.idaho.gov

RE: ESPA Comprehensive Aquifer Management Plan (CAMP)

Idaho Trout Company (ITC) and its affiliated companies, Blue Lakes Trout Company, Rim View Trout Company, and Clear Lakes Trout Company casts a NO vote against the draft Comprehensive Aquifer Management Plan (PLAN) dated November 6, 2008. Please see our previous comments to CDR and IWRB. The reasons for our antipathy are as follows.

The PLAN covertly supplants the prior appropriation doctrine whereby prior water right holders are protected from later junior encroachment on their rights. We have laws on the books to manage the aquifer, i.e. the prior appropriation doctrine; the laws are just not followed.

The PLAN is subject to bureaucratic adjustment and, thus subject to questions of impartiality. The draft PLAN has "feel good" goals, which neither recognize the acute, present day senior water shortages nor address those shortages in a timely fashion as required by law. In fact, the last sentence, first paragraph, of the Executive Summary[1] not only demonstrates a lack of understanding, but also inflates the value of the submittal by warning of consequences (beyond PLAN control) if the PLAN is not adopted.

The PLAN ignores the serious relevance of accelerated Global Climate Change. Consider the last two sentences in Section 2.3 "CAMP Implementation Benefits"[2] where it is stated: "In addition, proactive management of water supplies will help address variability in climate conditions, including drought. The expected change in the water budget, resulting from implementation of the management plan, will address regional water supply needs and

[1] Pg.4 of 41. Section 1.0: First paragraph: "Delaying the CAMP Implementation will result in the further decline of the resource, requiring more time, cost and effort to improve conditions."
[2] Pg. 9 of 41,

environment concerns".[3] This is impossible if "to address" means "to solve". The language just quoted, with modifying terms like "proactive", and "will help address", and "expected change", and "will address", and "concerns" reveals a problem solving attitude that equally accepts success or failure. The problem is far too serious for such an approach.

To create "alternatives to administrative curtailment" bounty must trump shortage; there must be more than enough for everyone. There is not enough for everyone. Presently, the painful shortages of those who have made water calls often seems to be viewed by many people as something embarrassing, uncomfortable, like some medical condition where "I'm sure glad I'm not in his shoes".

The PLAN offers evidence for its legitimacy by printing its "Advisory Committee Membership List[4]" and asserting that "development took place in a public forum"[5]. It is **not** legitimate in our view because our comments, both written and verbal, have been ignored. We have seen no evidence that our views were considered or presented for discussion. When interviewed by CDR principals Bartsch and Tate, they took no notes. When ITC sent a position paper, it was not shown on the WEB page where comments were listed. Perhaps the comments were ignored or not understood, and if so, the lack of investigative questions by CDR and others leads us to believe that understanding was not the intent.

Because IDWR has never curtailed in order to protect the water supply, the State protects juniors at seniors expense. If IDWR had a history of protecting senior water rights then everyone could afford to have faith and patience with long term plans. Over a dozen studies of the ESPA have been completed since the mid-sixties predicting shortages, yet the Department of Water Resources has shown no inclination to protect the aquifer.

The PLAN avoids cheap and efficient administrative curtailment. Not only will administrative curtailment deliver water in times of shortage in as reasonable time as possible,

[3] Pg.9 of 41, Section 2.2; last par.
[4] Pg. 38 or 41
[5] Pg. 6 of 41; Section 2.0 BACKGROUND

but also it may establish an active water market. Water markets tend to be a self regulating mechanism that can "manage for a reliable supply[6]".

The plan also suggests buy-outs of junior water rights holders. Juniors infringing upon senior water rights cannot be paid (i.e. paid for water) to curtail while seniors suffer financial curtailment. Rewarding juniors when senior are damaged just encourages the attack on the aquifer and exposes a biased preferential standard for one business group versus another.

The PLAN is one consequence of a water shortage that prompted senior non-consumptive water right users to litigate. We have both financial and ethical obligations to do so. To imagine that a thirty year plan, qualified with "expectations", "weather modification programs", "recommendations", "phases", will help our small company recover shortages of over 150,000 acre feet is actually foolish.

The PLAN has five objectives[7], the fifth one is "Reduce withdrawals to the aquifer". Reducing withdrawals from the aquifer does several things:

"Increase predictability for water users by managing for reliable water supply; (objective #1)
"Manages overall demand for water within the Eastern Snake Plain"; (objective #3
"It increases recharge to the aquifer" (water is not pumped out); (objective #4)

Accomplishing just objective #5 is an essential part of three other goals.

The purpose of Administrative Curtailment (the Prior Appropriation Doctrine) is to reduce withdrawals from the aquifer. It is a process administered by such states as Colorado in contrast to Idaho. I doubt that there are other tools so clearly designed to solve water shortages in the arid West. When CAMP suggests reliance upon cloud seeding, it is good to recall that dreams of weather modification have led to some of the worst moments in mankind's anthropological history. The CAMP appears to be a method whereby in times of drought and shortage, immediate action can be avoided, as it has been for decades.

Finally, the PLAN proposes to impose a financing fee wherein senior water holders will be required to mitigate for their own shortage. Somewhat similar to "I'll tax you after I have

[6] See footnote #6.
[7] Pg. 6 of 41, Section 2.0,

already taken your harvest" Seniors should not be required to mitigate (pay for) for damage to their own right.

And lastly, a previous version of the Draft PLAN (10-28-08)[8] has a section called Hydrologic Benefit, and the first two sentences are: "It is estimated that implementation of a combination of demand- reduction measures could result in a 350 kaf change in the water budget. The state has already achieved approximately 40,000 acre-feet in demand reduction through the CREP program, and 18,000 acre-feet annually through the acquisition of the Pristine Springs facility". The Pristine acquisition purchase 215 cfs of re-use (waste) water, and 25.3 cfs (18,315.7 acre-feet) fresh first use water did occur. However, only 7,239.4 acre-feet was directed to Blue Lakes Trout Farm to reduce demand. The remaining 11,076.7 acre-feet was allocated to the city of Twin Falls. Actually, the 7,239.4 acre-feet (10 cfs) re-directed to Blue Lakes is often not present. The aquifer is declining more rapidly than anticipated. Regardless, this redirected water does not solve the shortage at Blue Lakes. Perhaps the PLAN means to say that a there was a demand reduction of 7,239 acre-feet. By no means did the Pristine purchase reduce demand by 18,000 acre-feet annually.

In conclusion, we have more than a 150,000 acre feet shortage each year and have been for over a decade while the State commissions studies and plans to do something.

Sincerely,

Anita Kay Hardy, President

Gregory Kaslo, Vice-President

Idaho Trout Company

[8] Pg. 16 of 43, Hydrologic Benefit, November 2008

IDAHO TROUT ®

Idaho Trout Company

IDAHO TROUT PROCESSORS COMPANY

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May 26, 2008

Mr. Vic Armacost
Mr. Leonard Beck
Mr. Gary Chamberlain
Idaho Water Resource Board
Idaho State Water Plan Subcommittee
P.O. Box 83720
Boise, ID 83720-0098

RE: Draft language in Section 5G-Snake River Basin Springs.

Dear State Water Resource Board,

Idaho Trout Company and it's farms, which include Blue Lakes Trout Company, Clear Lakes Trout Company, Rim View Trout Company et.al. have objections to portions of the Draft Language cited above.

First of all, spring water flows are still declining due to mismanagement and over appropriation of the Eastern Snake Plain Aquifer. The Draft Language avoids the hard reality that the State has the responsibility to manage the aquifer so as to avoid the disastrous effects of over-appropriation and erosion of the water supply in the face of significant global climate change. Idaho has existing laws to arrange orderly adjustments to over appropriation. To protect existing priority water rights and to account for effects of the drought, the State must manage consumption of water, and not further exacerbate the problem by inserting the language contained in Section 5G.

It may be helpful to imagine the scale of the problem as a postulate: when non-consumptive spring water is gone then all water is gone. One may dispute the implied equation, but the long term implications are germane. Management of consumption is the issue.

Now, Section 5G shows proposed draft language as follows: "It must be recognized that future management and climate conditions may reduce present spring flows and while existing water rights are protected it may be necessary to construct different diversion facilities than presently exist". This language violates the prior appropriation doctrine which is the law of the State of Idaho; a new caveat like the language in Section 5G that mouths protection of existing water senior rights while condoning their depletion, is a transparent travesty of the State's duty to manage and protect the aquifer.

Briefly, "diversion facilities" for pumpers differ qualitatively from those that characterize spring water diversions where the "facilities" are more aptly described as "geologic formations". It is one thing to propose moving or altering the location of a pump, quite another to move basalt cracks from which spring water flows. Spring water diversions are actual physical sites that are one of the defining characteristics of the water right. The legality of the draft language is suspect and there is no authority for the insertion of new language to change existing diversion facilities.

The holders of senior spring water rights seem to find themselves in what may be a curious position. The text on page three, 2nd paragraph under the section titled State Water Plan Formulation, reads as follows: "This plan continues to evolve as an instrument in the adoption and implementation of policies, projects, and programs that develop, utilize, conserve, and protect t he state's water supplies." This objective is wonderful, and success with this goal is absolutely essential. Holders of senior non-consumptive water rights have raised their voices and drilled their pocket books attempting to focus political courage on the aquifer decline. We laud the goal, but protest the draft language, which undermines the goal.

The springs are essentially the barometers, the measuring instruments that indicate conditions of the aquifer, of its fitness or of its exhaustion. The problem is not solved by a proposal to move a diversion.

In conclusion, we think the Idaho Water Resource Board should appreciate, and be grateful, that the senior non-consumptive water users are raising such a "stink" about the problem. The problem is consumption. Management which accepts declines of senior priority water rights merely postpones an inevitable catastrophe for which the State will bear primary responsiblity.

Sincerely,

Kay Hardy, President
Gregory Kaslo, Vice-President
Idaho Trout Company
Blue Lakes Trout Farm
Clear Lakes Trout Farm
Rim View Trout Farm
Billingsley Creek Trout Farm (FDC)
White Springs Trout Farm

IDAHO TROUT COMPANY, INC.
11/20/2006

Recommendations for the ESPA Water Plan Management

CDR Associates
The Idaho Water Resource Board (IWRB)

Dear CDR Associates and the IWRB:

In the 2006 session the Idaho legislature directed the Idaho Water Resource Board (IWRB) to present recommendations for an Eastern Snake River Plain Aquifer (ESPA) management plan. This directive was issued priprior to a ruling thatby the 5th District Court Judge wherein the current water management administration, called "Conjunctive Management Rules" (CMR) was declared "void and unconstitutional". This water administration, CMR, was created years previously after the Idaho Department of Water Resources (IDWR) was unable (re: "Musser Case") to administer a constitutionally authorized water management plan; the essence of which is printed on each and every water right - the "priority date". ThThe Idaho Water Resources Board hired CDR Associates to gather information from stakeholders. When we met with CDR, it was our understanding that comments from Idaho Trout Company (ITC) would be incorporated into the CDR report. information Although We recognize that the CDR's report is not finalized, conclusive at this pointwe have seen no evidence that our recommendations were incorporated; therefore, so we are resubmitting our comments in writing. The information presented below will be a repetition of information that we previously presented to you at our meeting. to you We are hopeful that our positions can be incorporated into the ESPA management plan, and understand that most of the information presented below will be redundant information that we presented to you at our meeting.

Introduction

Idaho Trout Company is the second largest producer and processor of aquacultured rainbow trout. Idaho Trout company began its operations in 1948 and has continued to expand its operations in the intervening years, most recently in 2005 by acquiring Blue Lakes Trout Farm which began operations in 1952. Idaho Trout Company and its farms hold over 680 cfs of decreed ESPA spring water rights, with a decreed beneficial use period of January 1 through December 31 of each year. For thirty years spring flows have declined to the point where spring rights are now 30-45% below their decreed right. Idaho Trout Company has sustained recent losses of at least more than $15 million as a result of decreased spring flows. Depletions and economic loss increase each year as the aquifer is depleted. Additional costs have been incurred because of the substantial legal expenses that are necessary to protect senior priority water rights.

The Constitutional Water Management Plan

Like many businesses, Idaho Trout Company began operations as a small family farm. Kay began work as an office janitor in the eighth grade and learned the business from the ground up from her father, Company founder and President Earl Hardy, who passed in 1999. She has continued to protect the Company's water rights as important and valuable company assets by properly obtaining partial decrees as protected by the prior appropriation doctrine. The prior appropriation doctrine was adopted as law in the arid West. Drought is not an excuse for lack of administration by priority; drought is the primary reason for administration by priority.

The IDWR once understood the prior appropriation doctrine; however, since the IDWR lost the "Musser" case and abided by the law, but it has abandoned the law (as recently stated by Judge Wood in the District Court) and failed to meet its responsibility to manage and protect the ESPA. Simply and clearly stated: the State, through it's agency, the Department of Water Resources, has failed its citizens. It has taken seven years of negotiation, mediation, and even _____lawsuits ____ against the State, to garner attention to the depleted state of the ESPA. There is a management plan in place that protects the ESPA and that is the prior appropriation doctrine. administered to protect senior water rights.Any management plan recommended or adopted by the IWRB or the legislature that supplants, modifies, or compromises existing SRBA decreed water rights may be isillegal and subject to continued litigation. constitutes an unjust "taking" of private property rights.

The Struggle for Recharge

The State of Idaho has been negligent not only in its lack of administration of the ESPA according to the law, but also negligent in its lack of focus on recharge policy. When the State said, as it did in the 2006 legislative session, that it "found" two recharge water rights, it was an admission tantamount to saying the State was unaware of the recharge rights. Yet IDWR had granted those rights almost 30 years earlier. The State has not acted on recharge in any responsible manner apparently because it only recently "found" the rights The recharge rights the State "found" were rights applied for in 1978 by Earl Hardy on behalf of the Lower Snake Aquifer Recharge District (LSARD). Mr. Thorleif Rangen, Mr. Bill Jones, Mr. Henry LeMoyne and Mr. Earl Hardy, founding members of the LSARD, along with many others, knew about the recharge rights, and knew they were not lost. These people felt that State Government had little interest in recharge or incentive to act even though there was clear evidence documenting , just not acted upon by the State the depletion.*

The Idea of Stabilization

Thirty years ago many senior water right holders were aware of depletions to their water rights. Private entities such as Idaho Trout Company, and Clear Springs Foods (see Clear Springs Foods, Inc. "Recommendations to the IDWR Board Regarding Development and Contents of an Eastern Snake River Plain Aquifer (ESPA) Management Plan"), semi-public entities like and the LSARD, and individuals too numerous to mention saw the results from over appropriation. Thirty years ago in response to depletions, individual citizens, not the State of Idaho, acted by obtaining recharge rights and forming the recharge district. :

A recent stabilization attempt was made in November 2001 when the "Interim Stipulated Agreement For Areas Within And Near IDWR Administrative Basin 36" was signed. However, this Agreement

*Several years ago, Idaho Trout Company, presented to members of the Interim Legislative Study Committee, copies of the various aquifer studies that IDWR had collected. Dating from the early '60's, these studies clearly show the detrimental effects of increased groundwater pumping on the ESPA.

was never extended because IDWR, within the protected period of the Agreement, administered a water call against one of the signatories. That decision by IDWR, essentially, started the labyrinthian process that recently prompted a District Court ruling highly critical of the State Department of Water Resources.

A water right is a property right. The State has the obligation to manage the ESPA in accordance with the prior appropriation doctrine. Idaho Trout Company began its aquaculture facilities believing in the rule of law and the validity of the prior appropriation doctrine, as did others. To not protect prior appropriators at this time, and to not recognize depletions to their rights..... The water belongs to all of the people of the State of Idaho, with the State as its conservator. Multiple beneficial uses must be considered for the long term sustainability of the ESPA. The aquifer must not be managed for the short term benefit of one class of appropriator to the detriment of all other water users.
The long term goal is sustainability of the ESPA.

Recommendations

1. The legislature and the State must affirm the prior appropriation doctrine as adopted in Idaho. This affirmation and it's proper administration will protect the ESPA and the general public because without a water supply and a sustainable aquifer, droughts will ruin social and political structures. to protect against times of drought and inadequate supply when juniors are curtailed.

2. The State must accept the consequences of its prior historic mis-administration and over appropriation of the ESPA.

3. Water use must be defined beneficially to include the many users of the ESPA, not just one type of consumptive appropriation. Public interest requires that all ESPA water users be included; that beneficial use not be based solely on economic short term gain through consumptive appropriation, but that beneficial use remain a doctrine based on long term usage and enjoyment by the public.

4. In 2000 Idaho Trout Company suggested that the ESPA be designated a Critical Groundwater Management Area. Since the aquifer is not currently sufficient to supply the needs of all users, the Eastern Snake Plain Aquifer should be recognized as a finite, or closed, system wherein no additional water rights are issued, but existing rights can be purchased or leased. A Critical Groundwater Management Area should be seriously considered for adoption as a management strategy.

5. Within this closed system, a balance of supply and demand can be achieved by recognizing the existing water markets. Willing buyers and sellers can purchase and transfer water rights as long as there is no injury to senior water rights. This water market allows for future growth by municipalities and development of the ESPA, but not at the expense of existing water right holders. Allowing new users to purchase existing water rights in order to enter the ESPA water management system acknowledges the value of existing water rights. A side effect of a market influenced system could be that self-regulating market mechanisms would reduce the taxpayer burden because of reduced State administrative burden. Idaho Trout Company recommends the creation of a water market within the established constitutional framework.

6. The water budget for the State of Idaho must include an analysis of droughts and their effects because Idaho is a desert state and droughts are a naturally occurring event. Any water budget that does not include the impact or predictions of reduced water years is totally unrealistic and unacceptable.

7. Idaho Trout Company recommends that LSARD recharge water rights (2000 cfs) be fully utilized and that the necessary infrastructure be constructed. Credit should be given to the individuals who had the visionary foresight to create the Recharge District.

8. The years of 2000 and 2001 represent a time when shortageshad had significantly (25-90+%) had already involuntarily curtailed senior spring water users. Stabilization and recovery must use non-depleted years as preliminary goals for long term recovery efforts. A realistic approach is to choose a target year when the aquifer flows were "healthy". As stated above in the introduction, 1978-80 1980 represents a time of recognition and action regarding ESPA depletions. Perhaps one of these years would make a good choice.the year and is a good target for stabilization as senior water rights were filled, or nearly filled. Regardless of the year or procedure, any "agreement" that codifies a reduction in senior water rights constitutes an unjust and unconstitutional "taking" of private property.

9. Idaho Trout would support the CREP program and would support other programs to buy out consumptive water use, but only on the condition that the injury sustained by Idaho Trout Company's senior priority water rights are compensated to the same degree as are junior ground water pumpers. To buy out junior groundwater rights while depletions continue to exist for senior water right holders subverts the prior appropriation doctrine and rewards junior appropriators at

senior water right holders expense. Idaho Trout Company supports the position "No curtailment without compensation" as it applies to every class of water user.

10. The rights of the Public to enjoy the waters of the ESPA, including springs in the parks and recreation on the Snake River, should be protected. The State has been negligent in its duty to enforce the prior appropriation doctrine for the benefit of the State park system. Springs such as Niagara Springs (a National Historic Landmark), Crystal Springs, Blue Lakes, Box Springs, Billingsley Park should be protected for the benefit of the public. At Niagara Springs, it may be possible to ally with the Federal government for protection of a Landmark significant to the Nation. It may be possible to ally with the Federal government for protection of springs, waterways and ecosystems, including the Snake River plain for habitat restoration itself.

11. State and Federal hatcheries that operate as mitigation for power projects and species preservation have been deprived of flows and thus mitigation objectives are compromised. The State has a duty to protect spring flows for mitigation.

12. Reduced spring and Snake River flows degrade wildlife habitat, and these conditions may invite Endangered Species Act review. Idaho Trout Company encourages participation by all ESPA water users, including environmental groups such as Idaho Rivers United who have responsibilities to their constituencies for ESA protection. The ESPA water use dialogue must of necessity benefit all user groups or it has little chance for success.

13. Idaho Trout Company continues to support a three solution concept: 1) short or immediate, 2) intermediate, and 3) long term actions or policy steps. 1) Immediate actions involve mitigation in the form of increased water supplies for priority rights or financial compensation for compromised water rights; 2) In a market based system, junior right holders would purchase or rent water rights from senior water right holders who have been involuntarily curtailed or junior rights would be curtailed themselves (with notice similar to senior right curtailment, i.e., 3 weeks). New entrants into the system (developers, municipalities, etc.) can purchase or rent water from existing water right users. This approach helps to stabilize the aquifer while; 3) aquifer enhancement or recharge takes place. The recharge effort is a long term serious responsibility, like national defense, that only governments have the resources to assume. These three simultaneous efforts insures the value of property rights, senior priority water rights, and assures the public that the resource is protected for future generations.

IDAHO TROUT COMPANY, INC

Blue Lakes Trout Farm
Clear Lakes Trout Farm
Fisheries Development (Billingsley Creek Trout Farm)
Rainbow Trout Farm
Rim View Trout Farm
White Springs Trout Farm

March 2, 2006
(one cubic foot per second per year equals 723.94 acre feet)

Dear Facilitator:

In 1980 Clear Lakes Trout Company negotiated a water sharing Agreement with its neighbor, Clear Springs Foods. That water sharing Agreement was a "share the gain and share the pain" proportional arrangement where the facilities gained and suffered jointly based on an agreed upon percentage as the water supply fluctuated. This interim Agreement was meant to provide stability while long term measures were implemented in order to stabilize and enhance the water supply. Unfortunately, before basin wide measures could address the broad water shortage issue caused by drought and pumping of the over appropriated resource, the Idaho Department of Water Resources abandoned the Agreement and administered a water call solely against Clear Lakes Trout Farm, interpreting the Clear Springs Foods call as not applicable to the greater ESPA but only applicable within the confined radius of Clear Lakes Trout Farm. Additionally egregious, Clear Lakes Trout Company signed a Stipulated Agreement in 2002 that protected all water users from calls. Nevertheless, the Idaho Department of Water Resources interpreted that Agreement to protect all parties, except Clear Lakes Trout Company.

Regardless of the breach of faith, Idaho Trout Company and its farms, including Clear Lakes Trout Company, have continued to engage in negotiations and mediation for the past seven years. Idaho Trout Company remains committed to negotiations as long as its short term goals are met. Because of the damage inflicted against its largest facility, Clear Lakes Trout farm, as a result of the water call as outlined above, Idaho Trout Company feels particularly aggrieved and is committed to short term and immediate restoration of its water rights. Prior to the water call against Clear Lakes Trout Farm, we negotiated for long-term solutions; since the call was administered solely against our Company, we have focused additionally on short term mitigation in the form of immediate access to an alternate source of water, or financial compensation for water loss. You, as a facilitator, or any other water user may not agree with our position, but then - it is not your water that was "taken"- it is our water and our position, and we ask that our position be respected as we have respected others'.

A three pronged effort of short, intermediate and long-term goals and actions will be successful if all parties, not just selected parties, "share the pain and the gain". Idaho Trout Company will support the actions of TSWUA and others, but Idaho Trout Company's initial short-term requirements must be met prior to any negotiated agreement. Negotiations have yielded no short term relief, Agreements have been construed to our disadvantage; therefore, any long-term

agreement or negotiation must be predicated on immediate short term mitigation in the form of water or monetary compensation.

The long term goal of Idaho Trout Company is the restoration of its full water rights, which must begin with the stabilization of the ESP Aquifer. Long term actions will result in a higher water table which, of course, makes pumping less expensive; therefore, consumption and conservation must be balanced or history will repeat itself. Aquifer stabilization would be the first signal that the long term improvements are actually occurring.

The stabilization effort should be targeted at the 1980 level, which is the year of the Clear Lakes/Clear Springs water-sharing Agreement. This is also the year that the Lower Snake Aquifer Recharge District (LSARD) initiated its effort to restore the aquifer to sustainable levels, including submission of water right Applications to IDWR for beneficial use. In negotiation, IDWR promised a written history of its recharge efforts since 1980; therefore the 1980 date seems to be a marker for stabilization efforts when all entities came to the same conclusion: aquifer stabilization is a laudable, and necessary, goal.

Any stabilization date chosen after the Clear Springs' water call and the termination of the 1980 Agreement is not acceptable to Idaho Trout Company. In addition, IDWR and State agencies have issued reports documenting the effects of groundwater pumping since 1964 (copies of these reports have previously been submitted to the Idaho legislature by Idaho Trout Company). It is now 2006, forty two years later. To use the year 1980 represents a compromise date at which to measure depletive effects to the aquifer and from which to establish a baseline for aquifer restoration.

Short term measures include immediate measurable water and or cash compensation for Idaho Trout Company's 45% water shortages in 2004, higher shortages documented in 2005. As an example, where Idaho Trout Company's senior rights are deprived of water, junior water right holders can rent our senior water rights until that water returns in lieu of litigation through the courts. As a further example, say an entity, such as Idaho Power or a Canal company (reservoir water right holder) rented its water for recharge for $50.00 per acre foot for one-half year, then the annual rental rate would be $100.00/ac.ft/year, again, the rental ceasing when the water returns due to the anticipated levels provided by the intermediate and long term actions.

In 2000 negotiations, Idaho Trout Company suggested the ESPA be designated a Critical Ground Water Management Area. The West's long history of drought coupled with a continued increase in groundwater withdrawals necessarily yields a matrix where the resource is over appropriated, denying senior water right holders access to a resource depleted over decades. We continue to encourage the designation of Critical Ground Water Management Area for protection of a fragile, not an infinite, resource.

Short term: An immediately increased water supply, (or compensation) for Blue Lakes Trout, Clear Lakes Trout, Fisheries Development (Billingsley Creek Trout), Rim View Trout, and White Springs Trout Farms based upon their water shortage.

Intermediate: Not only a reduction in pumping of acreage, but a measurable reduction in pumping of water commensurate with 265,000 AF (13% of current groundwater pumping) per year requiring monitoring and enforcement. Monitoring is necessary because any agreement with intermediate actions requires that Spring water users agree to suspend the legal authority and power contained in those rights. Monitoring of spring flows at Idaho Trout Company's facilities is essential to our Companies to ensure a return to stabilization of our water rights. Governmental monitoring may not be necessary. It may be less expensive and more effective if the Groundwater District and TSWUA establish a joint "water master - ditch rider" committee/person(s).

Long Term: Recharge at an annual minimum of 500,000 AF to stabilize the aquifer.

Spring water flows will measure success or failure.

P

A&B Irrigation District

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Rupert, ID 83350

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RECEIVED
JAN 05 2009
DEPARTMENT OF
WATER RESOURCES

January 2, 2009

Idaho Water Resource Board
Attn: Sandra Thiel
P.O. Box 83720
Boise, Idaho 83720-0098

Re: A&B Irrigation District's Comments on Draft CAMP Proposal

Dear Board:

A&B Irrigation District ("A&B") submits the following comments for the Board's consideration on the November 6, 2008 Draft Comprehensive Aquifer Management Plan (CAMP plan). A&B commends the Board on working to formulate a plan to manage water supply and demand in the Eastern Snake Plain Aquifer. As you are aware, A&B relies upon both surface and ground water rights to provide water to approximately 82,000 acres in Jerome and Minidoka Counties. Given the issues with decreased reach gains affecting A&B's storage and natural flow rights, and reduced ground water levels affecting A&B's senior ground water right, the State must implement a plan to stabilize and improve those water supplies.

Hydrologic Targets (Long Term / Phase I)

A&B continues to support the recommendations presented to the Board on behalf of the Surface Water Coalition which quantified specific reach gain and ground water levels targets (average of 1980 to 2000). These specific goals are aimed at ensuring that both surface and ground water rights can be satisfied through a stabilized and improved water supply in the Snake River and the aquifer.

Although the draft CAMP plan identifies proposed short and long-term average annual water budget changes across the ESPA, the plan should identify measurable goals to improve water supplies both in the Snake River and in the aquifer. Although the draft plan models the expected hydrologic benefits of implementing Phase I, the plan should first identify goals for reach gains and ground water levels to achieve and then monitor and measure the results of actions taken to determine if those goals are being met. In summary, goals should be identified to ensure that both surface and ground water rights will be satisfied, not just to effect a change in the general water budget.

Funding Recommendations

First, A&B supports the concept that the State of Idaho contribute at least 40% of the costs implementing the draft CAMP plan, both for Phase I and long-term actions. Since the State has failed to formulate and implement a ground water management plan for the ESPA until this process began, State participation in the funding of the plan is necessary.

Second, although the draft plan recommends that Phase I funding include a $3 million annual contribution from irrigated agriculture (surface and ground water users) the plan does not identify a breakdown of how that contribution will be funded. It is A&B's understanding that discussions in various CAMP meetings have identified a potential $1/acre for surface water rights and $2/acre for ground water rights funding breakdown. A&B would not support this approach for acreage served by its senior ground water right given the expenses A&B has incurred in recent years (nearly $10 million) to mitigate for declining ground water levels in order to provide water to its landowners.

While A&B has been forced to increase its annual assessments to its landowners to address declining ground water levels (including a $25/acre increase for 2009), it cannot support contributing the same level of funding that would be provided by junior priority ground water rights.

Summary

A&B is hopeful the Board finalizes a plan that will address declining reach gains and ground water levels for the benefit of water users across the Snake River Plain. A&B supports the Board's efforts and appreciates the opportunity to provide comments on the draft plan. Please consider the comments for purposes of a final CAMP plan.

Sincerely,

A&B Board of Directors
By Dan Temple
Manager, A&B Irrigation District

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RECEIVED
JAN 05 2009
DEPARTMENT OF
WATER RESOURCES

Idaho Water Resource Board
c/o Idaho Department of Water Resources
Attention: Sandra Thiel
P.O. Box 83720
Boise, Idaho 83720-0098

December 31, 2008

My name is Harold Johnson and I have worked in the Idaho Aquaculture Industry for over thirty-three years. I have observed spring flows at five hatcheries (2 large and 3 small) for many years and for three and three quarter years at a third large facility.

Early in the Eastern Snake River Plain Aquifer meeting process I attended several meetings in Twin Falls and Burley. When the Advisory Committee was formed; I realized the aquaculture industry which brought this issue to a head by requesting their senior water rights be filled; had primarily been relegated to bystanders. It has been two years since the Advisory Committee took center stage. The Idaho Water Resource Board has spent a lot of money with out of state facilitators and the plan seems to be long on window dressing and short on meat that will produce long-term fixes to the over appropriated aquifer.

Concerns

The expectation that the hydraulic goal will be achieved by the year 2030 is too long. Twenty-one years exceeds the actuarial life expectancy of many of stakeholders and definitely exceeds what remains of their productive working years. I believe Phase I should be a 1 to 4 year plan and it should target 500,000 acre-feet annually and Phase II

should be years 5 through 8 with a targeted goal of 800,000 acre-feet annually. There needs to be quick and positive action to return water to the senior right spring users. The senior right spring users have suffered financially for over 25 years by over appropriation of the resource and lack of action. If we continue to wink at each other and pretend that conditions are improving; we are fooling ourselves.

I have concerns about the accuracy of the Water Model. Some claim the aquifer is stable. It is not. Spring flows continue to decline.

There needs to be specific actions/ projects to be completed in the area of aggressive recharge. Recharge should target the area that will quickly enhance spring flows. Spend the limited funds where the greatest returns will be realized. Aggressive recharge will require significant capital expenditures. The goal should be to maximize our expenditures to get the most benefit to the Eastern Snake Plain Aquifer. All stakeholders deserve to receive the biggest bang from the dollars expended.

The Comprehensive Management Plan appears headed for funding problems and oversights before it even begins. Our paper recently reported that 12 million of 20 million previously appropriated had been pulled. Not an encouraging act with such a serious aquifer problem at hand. Private / individual wells have been excluded from possible funding sources. This should be revisited as the ever-expanding private wells increase the demands on the aquifer. A twenty-dollar per year fee on private wells that are junior to the senior spring users that have been injured for years could raise a

considerable number of dollars. I believe the funds raised from private wells should be earmarked for senior right buy outs, buy downs, or permanent subordination agreements. To use any scarce resources to buy junior water rights or reuse or waste water rights by the State, Ground Water Pumpers and municipalities raises questions of judgement. Fiduciary accountability has to come into play.

I feel the Conservation Reserve Enhancement Program (CREP) is the wrong direction to be going. CREP is not a permanent fix, it is a band-aide benefiting marginal land in many cases that should not or would not be farmed. In many instances CREP may be a tax payer bailout of junior water right holders. These tax payer funds should be used to secure permanent solutions. I do not have information on what dollars the state and federal government presently spends annually on CREP land that affects the Snake River Plain Aquifer. My guess is that it is in the tens of millions annually and maybe much more. These federal and state CREP funds could be spent on infrastructure for recharge to first stabilize the aquifer and then quickly revitalize the aquifer for our children and all the generations to come. The facilities have to be in place and maintained in working condition to take advantage of seasonal recharge opportunities as well as annual events and particularly the less than annual event when climatic conditions provide for the opportunity to move massive amounts of water for later recharge in a more orderly manner by changing the way upper Snake River storage facilities are managed.

There is a need for specific actions that will produce results.

Actions must be focused to fix the area of damage that have existed for many years and that need relief yesterday. The myth that tomorrow will be better is not going to happen unless new thinking is introduced and positive steps are taken quickly. We know the same thing now that we knew two years ago. A lot of people's valuable time and money has been expended.

There needs to be certainty of tangible actions being taken and their actually being carried out timely. As the state legislature is brought into the picture; the pressure comes into play to fight over where moneys are to be spent. The goal should be to maximize spring flows as quickly as possible. The state through many years of Idaho Department of Water Resources over appropriation has created the current problem. And since current IDWR policy has been to avoid curtailment at all cost; the state should use taxpayer funds to wisely produce results.

The CAMP process had its hands tied from the beginning when the Idaho Water Resource Board stated as a primary objective of CAMP to "create alternatives to administrative curtailment."

Curtailment should never have been removed from the table as a primary objective.

The Idaho Department of Water Resources has the in house expertise to conduct ground water trace tests using florescent dye to determine hydrologic links within the Snake River Plain Aquifer. This could have been going on for several years to help pin point

the best sites for recharge. There is much to be learned about the inter-connectiveness of the aquifer. This is very low tech and relatively inexpensive and can be performed in many areas of the ESRP aquifer at the same time.

I truly hope that when the money is put on the ground in the form of infrastructure; that it will target where the most results will be realized and not allocated in back room deals. Use the money wisely.

The Bell Rapids buy out of junior rights and the Pristine Springs purchase are clear examples of where I feel the best decision of the use of taxpayer, stakeholder, and particularly the City of Twin Falls's money was not made.

Thank you for your consideration of my comments.

Harold Johnson

P.O. Box 701

Filer, ID 83328

IDAHO GROUND WATER APPROPRIATORS, INC.

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Bingham GWD
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North Snake GWD
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Clark Jefferson GWD
Goose Creek ID
Fremont Madison ID

City Members:
City of American Falls
City of Blackfoot
City of Chubbuck
City of Heyburn
City of Jerome
City of Paul

City of Rupert

Business Members:
Busch Agricultural
Jerome Cheese
United Water of Idaho

Idaho Water Resource Board
Comprehensive Aquifer Management Plan
by
Idaho Ground Water Appropriator, Inc.
January 5, 2009

My name is Lynn Tominaga and I am the executive director of Idaho Ground Water Appropriators, Inc. (IGWA), a multi-faceted organization representing 10 ground water and irrigation districts that pump over 1,000,000 acres of ground water from the Eastern Snake Plain Aquifer and its tributaries. IGWA also represents cities, agri-businesses, and other water delivery organizations.

I would like to thank the Idaho Water Resource Board for this opportunity to submit written comments on behalf of IGWA for Phase One of the Comprehensive Aquifer Management Plan (CAMP). First, IGWA's Board of Directors voted November 25, 2008 to support CAMP and the implementation of Phase One, with the agricultural contribution of $2/acre for ground water and $1/acre for surface water. The vote of our board of directors was nearly unanimous.

The way we define problems often limits the way we think about solving them. There are no magic bullet answers to complex water problems. A comprehensive solution will involve many measures implemented in different locations over different time periods. IGWA believes that Phase One meets this goal. IGWA is involved with litigation brought by other water delivery entities against junior water right holders with the intent of stabilizing ESPA through

administrative curtailment. IGWA has been involved with multiple lawsuits over the last five years and expects litigation to continue for another three (3) to five (5) years. The outcome will probably be the establishment of new administrative procedures in Idaho that may or may not lend itself to the process of stabilizing the ESPA. The process of stabilizing the aquifer cannot wait. Solutions need to be put on the ground now and that is why IGWA supports Phase One.

IGWA supports the following overall general overall concepts in the order listed below:

1) Managed recharge
2) Groundwater to surface water conversions
3) Conservation Reserve Enhancement Program (CREP)
4) Crop mix changes
5) Buy-outs and subordination agreements where it is a benefit to economic well being of the aquifer
6) Supporting the 5 year cloud seeding program to get measured results
7) Water conservation measures in selected areas where it makes sense.
8) Demand reduction strategies
9) Additional surface water storage actively pursued while keeping the overall cost kept in mind.
10) Acquisition of water supplies below Milner Dam to meet Upper Snake River salmon flow augmentation obligations

With our support of CAMP, IGWA does have reservations about four (4) issues: Funding of Phase One, Phase One Implementation and Priorities, Adaptive Management and CAMP, and CAMP Appendices.

- ***Funding of Phase One.***
    - As outlined in the Phase One, IGWA agrees with the CAMP funding priorities of: 1) Pay as you go, 2) IWRB authority for revenue bonds and contracts, and 3) Possible formation of an ESPA water management entity which would take legislative authority to implement and activate.
    - Accurate cost estimates, CAMP funding and costs are at best rough estimates. IGWA believes comprehensive costs and analysis needs to be done to insure the $70-100 M is not under or over estimated. The state of Idaho should supply additional funds if the estimates of $70-100 M are not enough. The Implementation Committee should be consulted for concurrence but not until all stakeholder money is exhausted. IGWA believes the $70-100 million is enough to implement Phase One. .
    - During the ten (10) years, if lands are administratively curtailed the CAMP fees should not be assessed against the land owners because water is no longer being withdrawing from the Eastern Snake Plain

Aquifer (ESPA).

- IGWA recommends that a ten (10) year sunset clause on CAMP funding be added to insure support, cooperation, and measured results coming from Phase One. If the parties cannot work together then funding for the proposal will not be renewed or expanded. The desired result is working together to stabilize the aquifer.
- The legislature should allow a separate fund for the ESPA Phase One similar to the Snake River Basin Adjudication. IGWA doesn't believe the comingling of any funds which could be utilized for administrative expense or be put under state holdback criteria because it would impede Phase One implementation. Any interest on the unspent funds should be kept in this special fund and not reverted to the state general fund. IGWA would like to see an annual accounting of funds and legislative audits to insure money spent will be accurately accounted for and used for the purposes it was intended. This accounting would also allow for refunds of money raised by the different entities if there was money left over during the ten year period.
- Membership of the Implementation Committee should include members of the state legislature and executive branch to ensure proper oversight and funding.
- IGWA recommends these guidelines for a priority of this special fund. First, the priority of projects should be determined by what is the least expensive way to stabilize the aquifer; secondly how soon a project could be implemented and not lasting more than ten (10) years, and thirdly will it have a long term affect which would be to provide benefits longer than one year. These are some of the decisions which need to put forth to the Implementation Committee to help them prioritize projects which come forth. To provide the necessary check and balance of funding any recommendation from the Implementation Committee, all projects need to be approved by the Idaho Water Resource Board and reviewed by the state legislature in an annual report.
- The State has demonstrated leadership in convening the ESPA Advisory Committee. Now it must continue to provide leadership and support which includes funding CAMP. For CAMP to become a reality, all parties must participate as outlined in Phase One or an escalation of conflict between water users will continue with increased litigation plus the likelihood of ground water curtailment. Failure to implement CAMP will have further adverse impacts on the state's economy in an already shaky economic environment.

  - Future CAMP funding beyond the proposed ten (10) year period must be based on adaptive management of the aquifer.
- ***Adaptive management and the aquifer.*** Adaptive management involves taking actions, testing assumptions, and then monitoring, adapting and adjusting the management approach as necessary. It is a way of taking action - even in the face of uncertainty - in a complex system with many variables and constant change. Developing perfect knowledge concerning any system, including the ESPA, is impossible, and therefore an adaptive management approach is critical to the successful attainment of the qualitative and quantitative goals set forth in the CAMP.
  - IGWA believes that the aquifer has reached equilibrium and is short only when weather conditions such as drought affects the ground water levels which means the 200-300 KAF/ year of change in the aquifer water balance will stabilized with Phase One implementation. IDWR's own ESPA model confirms that. If the aquifer after the first ten (10) years begins to show stabilization then any additional water balance programs and funding would not be necessary.
  - Adaptive management must involve extensive monitoring of ground water levels to insure whether the objectives are being met. If ground water users are to continue its support and participation it must have result oriented programs not just good intentions.
- ***Implementation of Phase I.***
  - Collection of funds from the participants will take six to eighteen (6-18) months and during this time with the more expensive projects will need to have studies or design plans. How will the implementation committee determine which cost studies to start or are existing plans outlined adequately and thus must be funded first?
  - IGWA would suggest that pilot programs for recharge, surface water conversions, crop mix programs, and demand reduction programs be split to allow two (2) projects per outlined program which needs to be studied and pursued with one location above American Falls Reservoir and one below.
  - IGWA supports the state's Weather Modification Pilot for the first five (5) years because it will be deemed to have the most immediate results in improving the water supply with the least costs per acre-foot.
  - Pilot programs need to be instituted in all facets of conversions, recharge, to enable the Implementation Committee to better choose those programs which have the highest degree of success.
- Payment of fees for agriculture from ground water users and surface water users should be paid to WD 01,100, 110, 120, 130, and 140. Yet, IGWA

believes the ground water district, canal companies, or irrigation districts should collect the water fees because they have the statutory authority and it would not create a new bureaucracy within Chapter 6 or 7 Water Districts. The collecting entity should be allowed a small fee for any additional expenses incurred. The Water Districts probably need legislative authority to allow for this fee collection unless a resolution is passed by the patrons would suffice. Lands covered by both ground and surface water rights shall be assessed at a rate of one dollar ($1.00) per acre.

- ***CAMP Appendices.*** IGWA would like to clarify the use of CAMP Appendices in future development of Phase One and other activities. The appendices were for information which was to only to be used to help develop Phase One recommendations thru the advisory committee members. The appendices were never envisioned to be used as guidelines or policies and should not be interpreted as such. These technical documents were used to help CAMP members but other technical information will need to be developed to help provide guidance to the ESPA CAMP Implementation Committee.

- The advisory committee voted to accept the reports but never endorsed them as guidance because there was too much uncertainty and variables in many of the assumptions for the reports.

A. Sub-committee Report - Environmental Observations
B. Sub-committee Report - Economic Analysis -Demand Reduction Options
C. Draft Management Alternatives Analysis and Packaging
D. Draft Funding Principles and Strategies
E. Summary of CAMP Modeling Results
F. Summary of Cloud Seeding Feasibility Design Study .

Conclusion: IGWA agrees with the objectives of the CAMP which are:

1) Increase recharge to the aquifer
2) Increase predictability for water users by managing for reliable supply
3) Create alternatives to administrative curtailment
4) Manage overall demand for water within the Eastern Snake Plain

If there are questions about this testimony please call me at 208-381-0294 or email me at lynn_tominaga@hotmail.com. Thank you for this opportunity to provide these comments on such an important issue.

From: DON JUDI HALE [mailto:halefarms@msn.com]
Sent: Saturday, January 03, 2009 4:16 PM
To: IDWRInfo
Subject: CAMP comments

Attn: Water Resource Board:

We, the United Canal Co., representing two canals in the Blackfoot area, are sending our comments on the CAMP document. We recognize the monumental task this document represents, however, that being said, we find the CAMP committee far from representing the majority of the surface or ground water entities in the state. As we reviewed the document, we found several suspect and highly controversial assertions. We find it illogical and inefficient to create water-management improvement districts when all water users are already in water districts. This just adds to the inability of the individual water users to have any say in their own direction. Just one more layer of bureaucracy and another way of assessing irrigated agriculture and letting everyone else go. We agree with the fact that the state needs a State Water Project Fund. The funding for this needs to come from the State. You talk about an implementation Committee, if this committee is to be chosen as the CAMP committee was, politically appointed by the governor and not user-elected, it will fail.

The term "adaptive management", in our view, means no plan at all. You need to make a plan and follow through. If it means make a plan and finish each plan, but perhaps changing focus now and then, then it might work.

As we reviewed the goals, they seemed totally disconnected from reality. The number one challenge to agriculture in Idaho is, first, finding available land to farm and second, water. To think that people will quit raising hay and change to grain when hay is selling for well above your projected prices, shows a disconnect. To think that farmers will let ground go dry, when you're not willing to pay them the same price they can make farming it, shows further lack of reality.

The document, as it addresses funding, is unclear and very unspecific. You talk about 3 million dollars from irrigated agriculture. It is our understanding that 1 million, or 1 dollar per acre will be assessed surface water users and 2 million, or 2 dollars per acre will be assessed ground water users. This is not spelled out in the document. Of the other funding sources, one continues to wonder about the state's commitment. Governor Otter, at the opening of the CAMP meetings promised that the state would pay its share. Since the state bears the responsibility for issuing water rights, and domestic wells are not being assessed, we assume that the state will fund their share. This is a heavy burden in tight economic times. The Governor has already taken away 12 million dollars from the monitoring and modeling budget, plus an overall cutback of 6% of the water resource budget. What assurance do we have that the state is willing to step up and pay their share of the funding?

In the executive summary item "E", minimizing loss of incidental recharge, does it mean we will actually get credit for the recharge that we do? It seems unfair that those who are asked to provide the water for the solutions, provide the facilities for recharge, and those who do not cause any of the problems, are being assessed to solve the problems.

If we are to support this plan, we must have protection of our existing water rights, first in time first in right. Any legislation that does not include this, we will fight with all the resources available to us. It is a slippery slope when you talk about providing water for needs without protecting the historic water rights. We don't want the CAMP document to become the "Law of the Land" super ceding all other water law. We must insist on a representative committee because "taxation without representation" is tyranny and should be fought at all levels of government.

We'll be glad to support the efforts of CAMP if you can give us a surety in funding from the state, representatives on the implementation committee and the recognition of our recharge, incidental and managed.

Don E Hale,
Manager, United Canal Company

Idaho Water Resource Board
Attn; Sandra Thiel
P. O. Box83720
Boise Idaho, 83720-0098

The following are written comments of the undersigned irrigation entities that pertain to the Comprehensive Aquifer Management Plan currently being finalized for presentation to the legislature.

The undersigned irrigation entities are all entities that have predominately remained with traditional flood irrigation practices since the beginning of their operations. While there are some sprinkler irrigated lands in the service area represented herein it is very limited. Water diversion rates are extremely high reaching highs of 16-17 acre feet per acre per year in some instances. Averaged on over 160,000 acres the diversion rates would normally exceed 10 acre feet per acre each year. With actual crop consumption at about 3 acre feet per acre the entities represented herein, are therefore providing as much as 1 million acre feet of recharge to the aquifer and reach gains to the river each year. Through the years, storage water has been purchased by the undersigned entities with some now owning as much as 5 acre feet per acre of storage space in addition to natural flow rights dating back to the 1880 era of canal construction. Because of the large volumes of water required to move water across the porous soils, many times these entities have used large amounts of storage and natural flow water and face shut down dates in mid July. It could be said that if measured in water diverted and acres irrigated the undersigned entities represent about 25% of the river operations above Milner Dam. With this background we offer the following comments on the CAMP.

Even though the plan has a line or two professing to support operations just like those described above, the real effect of the plan and the soon to be crafted implementation details, would likely be to unfairly "tax" us.

Beginning in the late 1880 's, flood irrigation practices were a new phenomenon that actually became a source of new water to the aquifer. Flood irrigation is what provided aquifer levels at historic high levels until the 1950's. At that time two things happened. New wells started withdrawing large volumes of water from the aquifer and simultaneously flood irrigated farms were converted to sprinkle irrigation . Both actions had the effect of reversing the historic high levels in the aquifer. Nearly every irrigation entity has converted or is currently converting to pressurized , sprinkle irrigation. That is, except those represented herein. We remain a "source" of vast volumes of water to the aquifer because of the flood irrigation practices that continue to this day. Seepage losses in gravelly ground are well documented. Under current billing procedures, operational costs are billed based on diversion rates. If the CAMP cost is collected in the same manner, those of us who remain a "source" will be unfairly and punitively charged for providing water to the aquifer because of our high diversion rates and seepage losses to the aquifer. Some may say it is only a dollar per acre. That may or may not be depending how the fee is collected. The bottom line is that the irrigation entities represented herein and their governing boards will not and cannot keep doing the vast amounts of aquifer recharge that has occurred in the past only to find ourselves charged the same or more than those who have implemented practices that have had a detrimental affect on the aquifer.

We are aware of the charitable comments that come our way from water officials but since the aquifer problems have actually been identified, we know of nothing that has actually been done to encourage our recharge to continue. In fact, punitive elements in water management seem to be gaining strength against us, such as billing for water management, maintenance and operations of dams and reservoirs, legal fees and other collections being much higher on our acres, because we divert large amounts of water most of which ends up in the aquifer. Recent discussions at water meetings seem to confirm that the CAMP fee will also be collected on diversion rates. Now, to charge us the same as entities that have converted away from flood irrigation practices, is just more evidence that no real relief is intended . The plan should be amended to abate the punitive fees on those entities that have not converted away from irrigation practices that provide huge amounts of recharge to the aquifer.

Our second concern is actually related to the first. Somewhere in the past the rental pool or water bank was established for the benefit of irrigated agriculture. It even had built in agriculture preferences. The irrigation entities represented herein rented as much as 200,000 acre feet in some difficult years, most of which was put into the aquifer. The water with the agriculture preference was priced so flood irrigated entities could and did regularly purchase that water. That has now changed and the rental pool is not much more than a marketing mechanism to provide water to the highest paying interests that use the water in ways that never return anything to the aquifer. Each year thousands of acre feet of water leaves the Eastern Snake Plain through rental pool sales to the Bureau of Reclamation. The impact to the aquifer is obvious but is seldom discussed . Their involvement in the market place is also obvious and especially to our irrigators. We now have several canals, who once had crop rotations that included late crops like potatoes and corn, that can no longer deliver water late enough for such crops. The rental pool provided for those crops and at the same time provided additional recharge. What actually occurs now is the entities who converted away from flood irrigation are the ones most likely to have water to enlist to the rental pool because they no longer contribute much to the aquifer. So, the entities that once contributed to the aquifer now sell the water at high prices, much of which leaves the basin, and that precludes the water from being rented by those who would finish out a season while at the same time recharging the aquifer. If current practices that provide a high degree of recharge really are to be encouraged, the proposed plan should be amended to seek modifications to the rental pool operations that would provide credits to those who need to rent water to finish out a season but simply cannot pay the high rental rates when as much as 70% of the rented water is recharged to the aquifer.

The CAMP purports to be able to effect a net positive water budget change of 200kaf and 300kaf in phase one, which is the first 10 years. The plan is general in nature but nowhere is there any mentioned possibility of reductions in the recharge being accomplished by flood irrigated entities. Be assured that canal lining, conversion to sprinkling, sales of properties for development and other actions will surely accelerate if unfair and high costs adversely affect the viability of flood irrigation.

The undersigned entities divert as much as 1.5 million acre feet of water each year. To provide food for thought we ask you to consider the following;

What if over the next ten years the entities represented herein accomplished canal lining and sprinkler conversions that reduced our diversion rates by 25%, which is quite achievable. We

believe our contribution to the aquifer, reach gains etc. would be reduced enough that little or no improvement would be realized in aquifer health for the entire first ten years of the CAMP after spending 70 to 100 million dollars.

The undersigned canals share the first diversion on the South Fork of the Snake River and therefore cannot realize "reach gains" but provide reach gains and aquifer recharge due to the return flows and flood irrigation practices. Whereas the canals listed below will not receive any financial or water budget benefit from the CAMP recommendations, we request that the canals of the Great Feeder system be removed from the tax formula for funding CAMP.

By Order of the Board of Directors
Great Feeder Canal Co., Inc.
Participants in the Camp Process

Burgess Canal and Irrigating Company
Butler Island Canal Company
Clark & Edwards Canal Company
Dilts Irrigation Company
Harrison Irrigation Canal Company
Island Irrigation Company
Labelle Irrigation Company
Long Island Irrigation Company
Lowder Slough Canal Company
North Rigby Canal & Irrigating Company
Parks & Lewisville Canal Company
Rigby Irrigation & Canal Company
Rudy Irrigation & Canal Company
West Labelle Canal Company
Twenty Seven (27) other laterals and ditches
Great Feeder Upper Divisions
Progressive Irrigation District
(Anderson and Eagle Rock Canals)
Farmers Friend Canal
Enterprise Canal
Irrigated acres total approximately 160,000 acres

Provided to IDWR Director, David Tuthill

Response; tjohnsonfarm@cableone.net
hickslivestock@netscape.net
linnhawkins@prodigy.net

W. KENT FLETCHER
ATTORNEY AT LAW

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E-MAIL
wkf@pmt.org

December 11, 2008

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

RE: CAMP Comments - Minidoka Irrigation District

Dear Ms. Thiel:

This letter is sent pursuant to the instructions provided to submit written comment concerning the CAMP proposals. Due to the general nature of the recommendations made in the draft Comprehensive Aquifer Management Plan Report, the comments will also be general.

LONG RANGE HYDROLOGIC GOAL AND STRATEGIES

At various times during the CAMP process, representatives of the Minidoka Irrigation District attended some of the public meetings. One of the great weaknesses in the CAMP proposal is that it does not contain specific aquifer goals and it limits the available strategies.

It is difficult to see how it will ever be determined whether the proposals of the CAMP report will achieve a "long range hydrologic goal" since the report does not set forth an aquifer level that should be achieved, spring flow levels that should be achieved, or other objective standards that could be used to determine whether the CAMP remedies are effective. Without more objective goals, it is difficult to see how one can analyze the consequences of actions that are taken.

Further, it appears that the Idaho Water Resource Board and the Idaho Department of Water Resources has taken the position that curtailment should not be considered when managing the aquifer. For over one hundred years surface water users have been curtailed based upon priority. Even though Conjunctive Management Rules have been in place for over fourteen years, water calls have been in existence for four years, and injury has been recognized, no curtailment of ground water users has taken place. Although the matters pertaining to the water call continue in the administrative and judicial process, it is difficult to see how one manages the aquifer without at least considering curtailment as an alternative if other remedies do not succeed. To ignore curtailment as a remedy in the planning process makes the process incomplete and does not afford adequate remedies should the other remedies outlined in the plan be unsuccessful.

HYDROLOGIC CHANGE AND ACTIONS

The Board of Directors of the Minidoka Irrigation District are very concerned that the Phase 1 actions are not realistic. In particular, in light of all of the demands that are made on storage water, and based upon the history of flows in the river, it is difficult to believe that 80,000 acre feet of water per year would be available for recharge over a five year period. The Directors understand that the Department has done some studies that show that amount of water could potentially be available under certain circumstances, but if one closely looks at the actual water that has been available, it is difficult to imagine this goal ever being achieved. Of course, if this goal is not achieved, then the CAMP goals could not be achieved. If the CAMP goals are not achieved, as water is currently being administered, the risk falls upon the senior surface water user to bear the resulting shortages.

FUNDING AND COLLECTION MECHANISMS

From the beginning of the process, the Minidoka Irrigation District Directors have been concerned that eventually they will be asked to help fund the goals of the CAMP process. In reality, this means that senior surface water users will be funding ground water mitigation for injury resulting from junior ground water pumping. Most of the large senior surface water right holders already have committed significant monies to the building, operation and maintenance of storage facilities. The CAMP goals are heavily dependent upon use of the storage water. It is somewhat ironic that the senior water right holder is now being asked to also contribute monetarily to mitigate injury being caused by junior ground water pumpers.

In the big picture of things, the Directors of the Minidoka Irrigation District are concerned that rather than address the real issues - aquifer levels, spring flows, and return flows - a large amount of money will be spent without any ability to determine whether objective goals are being achieved, since objective goals are not being established. This reminds the Directors of the water being supplied to flow augmentation. Water District 1 water users agreed to supply water for flow augmentation not because the science shows that it aids endangered species. Rather, the water is being supplied because it looks like the water users are doing something, and that has bought at least a tentative peace in some arenas concerning endangered species.

The CAMP process seems to be going down the same track. The process emphasizes the remedy rather than identifying the specific goal that should be achieved. One can change a water budget without necessarily improving the aquifer. If one wants to seriously address the problem, the State should establish an aquifer level that should be maintained and then determine what is necessary in order to maintain that aquifer level. Unfortunately, the CAMP recommendations fail to significantly address that issue.

Thank you for your attention to these comments.

Sincerely,

FLETCHER LAW OFFICE

Kent Fletcher

KF/brd

pc: Minidoka Irrigation District

From: Rebecca Casper [mailto:rlncasper@cableone.net]
Sent: Sunday, December 14, 2008 7:34 AM
To: IDWRInfo
Cc: 'Cortney Liddiard'; Mayor Jared Fuhriman; Larry Reinhart; Lee Gagner; 'John Millar'; Stan Clark; 'Steve Serr'; 'brad andersen'; Craig Evans ; 'Harvey Walker'; 'Jack Barraclough'; Jeff Raybould; Swank, Lyle; 'Marvin Fielding'; 'Roger Chase'; Roger Warner; Scott Bruce
Subject: Public Comment: CAMP Proposal--The Development Perspective

Date: 14 December 2008

To: Idaho Water Resources Board

Re: CAMP Proposal Public Comment

Thank you for the opportunity to serve as a member of the CAMP committee. I was privileged to meet and serve with a very dedicated and knowledgeable group of fellow citizens in a process that was dynamic and productive for all concerned. My own learning curve was a steep one, but even so, I feel I was able to bring an important perspective to the table. Like most committee members, I have some concerns about the final proposal. I have attached comments outlining some of my thoughts. I would be happy to discuss any questions you may have. Please contact me if there is a problem with the attachment.

Thank you,

Rebecca Casper

Land Development Concerns

Rebecca Noah Casper, Ph.D.

208-681-9989 mobile

rcasper@byu.net

The Development Perspective

CAMP Process and Outcomes—General Observations

- The CAMP Process was a good model for progress—i.e. all sides were represented. The proposal itself reflects this. By giving some measure of recognition to all active participants, it respects them. This is no small thing. Some might call this a shotgun approach. Your stockbroker would call this a diversified portfolio. A pessimist would say that we just shared the pain. A proud grandma would say that we did not put all of our eggs in one basket. No matter how one characterizes it, the committee wisely honored all of the stakeholders and not just a few. Did everyone get all they wanted? I think that is a heck no, but everyone got something and that makes it a political success. I commend the CAMP Process as a model to other water basins throughout Idaho.

- The proposed plan is a mix of very specific recommendations and some that are quite broad. The committee simply worked to find as many viable ways to address the problem as possible. The broad ideas were included intentionally to make it easier to implement and to apply principles of adaptive management and allow the details to be changed as conditions change—be they economic, environmental, or even political. The simple genius of this approach is that it requires the implementation team to give many things a try and then lets them analyze what produces the most bang for the buck. The plan relies heavily on the intelligence and common sense of the implementation team. This calls for a very well-rounded and representative implementation team, that is collectively well-versed in all aspects of implementation—not just agriculture or hydrology.

The CAMP Proposal: General Concerns

- **Stakeholders.** As a committee member, I have concerns about Developers and Municipalities being perceived as *equal* stakeholders. This and any future discussions about aquifer management in any part of the state must

always include the cities and their growth needs. We must set that precedent now. As you well know, management of the ESPA in the future cannot be sufficiently addressed using only solutions from Idaho's agricultural past.

- Over the few decades, the portion of the region's economy fueled by agriculture has shrunk from over 40% to less than 25%. At the same time, cities and counties have grown and demands for municipal water supplies have stretched the delivery capacities of cities of all sizes. Even so, the percentage of water used by municipalities to meet the needs of their residents is still less than 10% of the total water used in the system.
- Yet nearly every mayor and land developer in Eastern Idaho—even those serving in communities with only a few thousand residents—is feeling pressure to manage growth and obtain sufficient water rights. This issue has come up with increasing frequency as Eastern Idaho has experienced new growth.
- Cities, Counties, and the business and development interests that fuel their growth are willing partners. They are anxious to be a part of planning and the search for innovative solutions to ESPA management. This has always been the case. But what was lacking before was a forum for bring together these varied interests. CAMP has given us this forum—a very significant contribution and one that must not be lost or overlooked.
- Finally, it would be shortsighted not to involve and train the municipalities and maybe even developers in best practices for water management. The CAMP plan does mention this, but does not elaborate.
    - When one is dealing with elected officials and private citizens (i.e. not water professionals), the amount of training, expertise, knowledge, and even concern for water issues will vary regularly. Turnover is high and learning curves are very high.
    - The more—and the more often—you can train city and county officials and developers to understand best practices regarding water issues and water management, the better off we all will be. (Perhaps then we can avoid situations where officials

approve home construction in areas where the normal groundwater levels are so high that normal seasonal flooding damages new homes.)

- **Incidental Recharge.** A second concern is that incidental recharge is not being protected respected, or encouraged enough. It is only vaguely addressed in the final CAMP Document. The committee shied away from addressing this issue in depth. Yet it is the increase in incidental recharge in the early-to-middle part of the last century that is likely a primary cause of the historically high springs outflows and the subsequent increase in new water rights of all kinds that set us on this path toward an aquifer management crisis. The current trend toward a reduction in incidental recharge will just exacerbate the problem. The implementation team will want to take hard look at the most intelligent ways to manage incidental recharge—to encourage it where it is a very useful practice (for the aquifer) and discourage it where conservation principles (lining, sprinklers, etc) would be better (for the aquifer). I know that the Committee of Nine did convene a subcommittee to examine this issue. This committee met a few times and then quit. I do not know why. I only know that the aquifer will suffer in new and painful ways if this issue slides too much.

CAMP Proposal: Managing the Aquifer for Growth

- There were some issues and very real concerns that the cities and developers wanted to see addressed by the CAMP process, but that were not included in this draft of the plan. Some of these issues might be better addressed in the Phase II implementation and some solutions might be better pursued outside of the CAMP process—or perhaps both. Please allow me to share the essence of their concerns in the hopes that you will be more aware of some of the pressures they are operating under:

- **Water for Development.**
    - Cities tend to have all the *surface* water rights they can use and more. Most cities just hold on to these water rights—they keep them active by paying their fees or assessments on their shares in a canal company—all the while hoping to find ways to use them prudently at

some future date (btw--this often results in the loss of valuable incidental recharge as the water is generally managed on paper and is not being run down canals.)

- How do cities pick up so many surface water shares? Quite often it is because developers prefer to give the water appurtenant to the land they want to improve (usually canal company shares) directly to the cities.
- It used to be that cities could absorb the growth and so they would just hold onto these shares and allow development to proceed unhindered because supply exceeded demand.
- But now, as more growth has come to Eastern Idaho, cities are routinely facing shortages in water during peak delivery times—usually for a few weeks in the mid-summer. To service this growth, cities and developers are seeking fair, affordable, and efficient methodologies for converting these surface rights to useful/potable water.
    - While Dual Pipe/Secondary systems can be a solution, they are not the only or best answer in most cases and they have largely been rejected in Eastern Idaho for a wide variety of reasons—we'd need another forum to discuss this thoroughly.
    - Cities can build water treatment facilities, but multi-million-dollar treatment plants are not easily built—Pocatello is struggling with the idea and staggering under the cost projections. You can imagine the response a city like Dubois might have over this. To say that it is impossible would be an understatement.
    - A recharge option that would allow cities to sink their surface water judiciously in exchange for ground water could help to support growth, deal with peak demand, and also help to ensure that municipal water is of sufficiently high quality.
        - With a scenario like this, everyone wins:
            - The city would increase its access to water for growth;
            - The developer could more easily improve land at a lower cost to future homeowners—thereby adding value to the local economy and tax base;

    - The canal companies can assess whatever fees are needed to cover the expenses associated with providing the recharge and even to make a modest profit; and
    - Perhaps most importantly, the aquifer is replenished—possibly with some nice gains as developments often take years to come online and as city use is seasonal—city demand peaks like a mountain.
  - However, there are some roadblocks to pursuing this:
    - To do this long term, cities would desire a water right transfer because the rental pool is not suited to long-term arrangement with its last-to-fill penalties.
    - The needs to be an efficient means for transferring a right from ag to municipal recharge. Right now transfers can take years to complete and those with less vision can protest and make these efforts very costly and unattractive.
    - Ideally, recharge would be designated as a beneficial use and added to city water rights.
    - Ideally, the ESPA hydrologic model would be further refined to recognize and track localized recharge both close to a withdrawal site and also eventually at other viable recharge sites that may be located beyond the withdrawal site.
  - The value of such recharge water should be recognized when it is placed in the aquifer in a recharge friendly location. Such should be encouraged and promoted, not blocked and fought. This is the essence of wise aquifer management.

- **City Water Rate.** A related area of concern for cities and developers has to do with IDWR's seemingly new interpretation of a city's water rate.
  - In the past, a city's water right was described as the allocated rate multiplied by the year for an assumed annual volume.

- But recent administration of municipal water rights has sought to further define a municipal right to that volume which has been historically beneficially used. This jeopardizes the "reasonable anticipated needs" doctrine that was put in place in 1996. This doctrine implies that a municipal water right is assumed to be *defined to be that which was beneficially used.*
- On an annual basis, most cities do not come close to using their total water allocation—e.g. Rexburg uses less than 50% of its right. Much of the water right is totally undeveloped for most of the year.
- This is curious and we likely have not seen the end of this issue. It is not directly related to aquifer management, but it could be depending upon how cities respond to the problem.

- **Data.** Though not directly addressed in the CAMP Proposal, it is vital that the need to gather high quality data is recognized by all those who will manage the ESPA. (It was unfortunate that the CAMP committee spent considerable time questioning the legitimacy of the IWRI model. The good news is that this may have helped to achieve a widespread acceptance of this model. By now most all of the committee members appreciate that it is a data driven model that is only as accurate as the data used.) As you know, the amount of study performed and data gathered on some management tools like recharge is woefully lacking. What little the state does know is negative and it is this negative view that resides in the minds of a few bureaucrats—some of whom have not been around very long. The Department's institutional memory is as limited as the people who work there. Therefore, the need for more hard data on the management tools adopted by the committee is obvious.
  - So what does it take to gather this kind of data?
    - Desire
    - Design, planning and site selection
    - Money
    - Time
  - The Egin Lakes pilot study is an excellent example of how this data can be obtained with minimal expense and maximum results. This effort is a partnership between IDWR, EIWRC, and IWRI you study recharge in the Egin Lakes area. With water donated by Fremont Madison and run through the water bank, and funds rasied privately

by the EIWRC and matched by the department, a pilot study was cobbled together in a very short amount of time—approximately two months.

- **Storage.** Cities and developers facing growth scenarios deem it worthwhile to create more water storage in Eastern Idaho. This means that in addition to being open to the possibilities of building or rebuilding dams, we also must seriously consider using the aquifer as a storage site with some kind of water banking as needed. It is just impractical not to explore this option further. Doing so will no doubt require still more data and model enhancement.

- **Money.** One of the biggest obstacles to aquifer management is funding. While the difficult question of who should pay is important, the value of investing in the necessary infrastructure and management tools is second nature to a business mind. Wise management is necessary for providing the certainly that businesses and planners need. Given the time-honored law of rising costs, it will never be cheaper to manage our aquifer than it is today. Some brief observations:
    - The plan clearly outlines where the seed money might come from. The approach was to share the cost by funding from a broad range of sources--local, state, federal, and private.
    - It is far better for both state and regional economies to spend less on litigation and more on actions that enhance the productive use of water.
    - The Egin Lakes recharge project is being funded by a mix of public and private sources. This project represents an exciting financial synergy in at least two ways:
        - It is generating new, much needed data and
        - It is a big step for public-private partnering to fund and further management tools. Note that none of the private entities at the table has balked at participating.
    - As a committee member, I hasten to point out that Idaho Power, developers, businesses and even some municipalities are quite willing to pay for water lobbying, studies, and even many other implementation costs like infrastructure improvements. This is

simply because it is worth it to ensure that water will be available for future growth.

- **Optimism.** As a committee member, my hope is that I won't be alone in my optimism and my conviction that implementing this proposal is the best way to begin. Right now, without a plan, there is no coherent action—just frustration, distrust and way too much legal action. But if we can approve the CAMP proposal and then empower a small, but well-rounded implementation team to get to work, there is no telling what they will be able to accomplish using good data, a good plan, common sense, good old- American ingenuity and flexible, adaptive management techniques. We will see success—perhaps baby steps at first, but certainly more down the road. It is not just vital to our state and local economies, it is vital to Eastern Idaho's ability to intelligently manage the growth that is to come. The entire CAMP Committee now recognized that we will never be done managing our aquifer; our challenge is just to get better at it. Who knows how much better off we will be in a few years if we do the hard work of implementation now. Imagine how much better off future generations will be if we can give them a well-managed and healthy aquifer.

December 8, 2008

To the Idaho Water Resource Board (Board):

This email constitutes the comments of Western Watersheds Project (WWP) on the draft Eastern Snake River Plain Aquifer Comprehensive Management Plan.

Western Watersheds Project is a non-profit membership conservation group with offices in six states. WWP is headquartered at the Greenfire Preserve near Clayton, Idaho. WWP has four offices in Idaho including an administrative office in Hailey.

WWP has a long-term interest in the issue of water management in Idaho especially in regard to the impacts of water management policy on watershed health and wildlife and native fish habitat.

WWP welcomes the opportunity to comment on the draft plan (CAMP).

WWP is concerned that the Board is not fully identifying reasonable alternatives in the draft CAMP. Unfortunately Idaho does not have a state environmental policy act, and the Board appears to have chosen not to adequately or fully analyze alternatives that would meet the goals of recharge and balancing the supply of and demand for water from both ground and surface water in the aquifer.

WWP recommends that the Board identify and analyze at least three more alternatives that provide for cost effective ways to bring the aquifer into balance. Under the draft plan the Board simply is breaking down the goal of 600,000 acre feet of demand reduction or supply enhancement over 20 years into differing percentages of ground to surface water conversions, demand reduction, recharge, weather modification and reducing incidental recharge.

WWP supports analyzing two alternatives that maximize the reduction of demand by purchase of water rights in the Snake River Plain above Minidoka dam. One of those alternatives would assess gaining the entire 600,000 acre-feet desired by outright purchase of water rights and/or private irrigated land. Another alternative would analyze achieving a reduction of 450,000 acre-feet of demand through buy-out of water rights and/or irrigated private land. The third alternative WWP recommends the Board analyze would be an alternative that would be identified as the most environmentally preferred alternative. That alternative would necessarily include restoring the most beneficial flows to spring systems and the Snake River to bring the water regime as close as possible to pre white settlement conditions.

For all these alternatives as well as ones already identified in the draft CAMP, the Board needs to complete a much more thorough fiscal analysis of the

costs and benefits involved. As part of that fiscal analysis WWP recommends that the Board also analyze the creation of a per acre foot water charge for all water rights holders in Idaho that would enable a funding source for all projects under the CAMP without recourse to the creation of debt instruments or to payments from the General Fund of the State. WWP refers the Board to an editorial by Jon Marvel you should already have in hand that notes that a modest per acre-foot charge for water in Idaho would result in a minimum of $100,000,000 per year in funding that could be available for water rights purchase, private irrigated land purchase and other civic needs.

The Board needs to provide a clear analysis in the final CAMP of the role of the federal government in any final Plan. For example what federal approvals and process are required for any proposed actions such as weather modification, management of federal dams or irrigation projects or impacts to federal wildlife refuges or listed fish species. The Board needs to identify and clearly state if compliance with the National Environmental Policy Act is required by any recommended action.

The Board needs to identify and provide information on where the CAMP estimated costs of $1,250 per acre-foot of water is derived and whether that estimated of cost is just a windfall for water rights holders and not an appraised value.

WWP is concerned about the CAMP's vagueness in regard to environmental impacts of any action choice. One example would be that if the Board acquires water rights below Shoshone Falls in order to reduce the water demand above Milner and Minidoka dams for salmon flows then what are the clear outcomes for health of the river in the reach between those two points ?

WWP is concerned about authorizing a very expensive water-balancing program such as the draft CAMP without a clear process for making change after the final CAMP is adopted by the Legislature. For example the draft CAMP proposes an "adaptive management" process with consultation between the Board and staff and the CAMP Implementation Committee. There does not appear to be any public involvement in that process or any clear sideboards on what parts of any Plan could be changed by something as amorphous as "adaptive management". Additionally the proposed make-up of the Implementation Committee is clearly lacking in non-vested interests who can speak up for a healthy river as well as the needs of native fish and wildlife and water quality.

While it is understandable that the Board wishes to reach agreement on a Plan that will establish a balance between water demand and supply while minimizing conflicts between water users, the Board should not choose a path to the end that fails to fully address concerns about environmental impacts, that fails to analyze reasonable alternatives, that costs Idaho's taxpayers large but unclear amounts in taxes or interest charges without regard for alternative funding mechanisms that could exist or that creates a

future decision-making process that makes public involvement difficult or impossible, but that is what appears to be what is happening with the draft CAMP.

WWP appreciates the opportunity to comment on the draft CAMP and requests that our group be kept fully informed of the process and a final recommendation when made by the Board.

Sincerely,

Jon Marvel

Executive Director

Western Watersheds Project

Box 1770

Hailey, ID 83333

208-788-2290

From: Olin & Shelley Gardner [mailto:mail@idahoguideservice.com]
Sent: Monday, December 08, 2008 5:48 PM
To: IDWRInfo
Subject: Question & Concerns on Water Plan

Hi, my question, comment and or concern is this.

In the past 30 years the only time River Rafters or Kayakers could run the section of the Snake River known as the MURTAUGH SECTION (below Milner Dam) was and is in the Spring when water flows have historically been in excess of irrigation demand and the reservoir system upstream is mostly full. If and when you divert those flows into the dessert and into a hole in ground in the hopes there is even more water for the users groups that already have access and ownership to most of the water in the upper Snake River. Then when will there ever be water in the river channel for other users and fisheries.

It seems very unfair that the Ag community and the Dairy interests should get all of the water in the Snake River while leaving absolutely none left for any other users group, including recreation and fish. This also causes water quality problems, with no flows in the river itn not possible to address the water quality problems that are well known between Milnen Dam and Hagerman.

Sincerely,
Olin Gardner

Olin & Shelley Gardner
Idaho Guide Service Inc.
Twin Falls & Riggins Idaho
Toll Free 1-888-73IDAHO
www.idahoguideservice.com

CLEAR SPRINGS FOODS®

JOHN R. MACMILLAN
VICE PRESIDENT

CLEAR SPRINGS FOODS, INC.
P.O.Box 712, Buhl, Idaho 83316
Phone 208 543-3462
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Dec. 9, 2008

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

RE: ESPA CAMP Comments

Clear Springs Foods submits the flowing comment on the proposed Eastern Snake Plain Aquifer (ESPA) Comprehensive Aquifer Management Plan (CAMP).

Clear Springs Foods is an employee owned food company located in Buhl, Idaho. Clear Springs Foods employs approximately 350 people and markets primarily rainbow trout for human consumption throughout North America. Over 20 million pounds of rainbow trout are produced each year at Clear Springs Foods owned fish farms. Clear Springs Foods is the largest producer of rainbow trout in North America and perhaps the world.

Clear Springs Foods interest in the CAMP arises because of the plans potential impact on spring flows that feed our farms. These spring flows have declined as much as 30 %. There does not appear to be any diminishment of the decline. In 2008 Box Canyon spring had the lowest total flow in recorded history. Clear Lake Spring had the second lowest water flow on record.

The CAMP process has made substantive progress and created good momentum to marshal the talents and resources of all ESPA water users into a common goal of improving the water budget of the ESPA. That the Advisory Committee was able to submit to the Board of Water Resources a proposed consensus plan attests to the progress. The plan is nevertheless a framework. The plan has limited detail, there is limited real analysis of costs and there is no priority for initial geographic focus which would be important for spring users. The CAMP Advisory Committee recognized this and proposed a CAMP Implementation Committee.

It is important to recognize that the proposal developed by the CAMP Advisory Committee reflects compromises made by key representatives of the ESPA water user community. The plan reflects an ongoing consensus process to address goals and objectives identified in HB 320. Because progress to date has been via consensus, it would necessarily need to remain consensus during plan approval and ideally during plan implementation. While development of consensus is at times difficult and time consuming, the progress made attests to the power of consensus within a background of various water right battles and ongoing legal challenges. It is imperative that actions by the State do not undermine opportunity for success of the plan.

Continued spring water flow decline, opportunity for derailing the plan, and lack of detail prompt the following specific recommendations:

- Some assurance needs to be provided that substantive changes to the Advisory Committee plan will not occur. The Water Resource Board should make it clear in its presentation to the legislature that support for CAMP will rapidly dwindle if the legislature attempts to significantly change the plan. Alternatively, the plan should be amended to state changes to the plan can only be made through the CAMP Advisory Committee and/or the Water Resource Board.

- The CAMP Implementation Committee should be rapidly convened (2009) and charged with rapid development of a detailed process for implementation of Phase I. If the Water Resource Board accepts the Advisory Committee Plan they should act promptly to convene an Implementation Committee.

- It is likely that funding will not be timely to enable implementation of actual water delivery projects in 2009. Even if some funding is received only limited action is likely to occur. Lack of funding should not deter continued plan development. The Implementation committee should be empowered to rapidly institute additional discussion and develop sufficient detail to allow rapid water project implementation when sufficient funds are available.

Clear Springs Foods remains neutral at this time. Resolution of the three recommendations above will likely shift us out of neutral.

Sincerely,

John R. MacMillan

John R. MacMillan, Ph.D.
Vice President

Clear Springs Foods, Inc.

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

RECEIVED
JAN 06 2009
DEPARTMENT OF
WATER RESOURCES

Comments on the CAMP proposal

As an owner and operator of an aquaculture facility here in Hagerman, I have seen the spring flow through my trout farm steadily drop to less than 50% of my water right in the past 30 years. In the 70's when our spring flows began dropping, we alerted the IDWR, formed a recharge district, obtained water rights (800 cfs from the Big and Little Wood Rivers, and 1200 cfs from the Snake River), and a site for recharge. Our hope was to stabilize the aquifer to the benefit of everyone depending on it. Sadly, not everyone shared our goal. We have had to spend a lot of time and money fighting to protect our water rights. During this time more and more wells were allowed to tap into the aquifer, and our spring flows kept declining along with our ability to raise trout.

Now we have the CAMP proposal. It is good that everyone involved now sees that the aquifer is in decline, and they appear to be willing to do something about it. The goal of any actions taken should be to first improve spring flows to the senior water right holders who have been damaged by past management of the aquifer. These water rights holders have acted responsibly as they early-on alerted the State to the problem, and have had to fight to do everything they could to improve the aquifer. It does not seem right to me that we should now suffer further financial damage to pay for fixing this problem. We have suffered from the creation of this problem. Those who have benefited from the policies that created this problem should shoulder the cost of fixing it.

The status quo of the past 30 years is not acceptable. It has resulted in senior water rights getting less and less while holders of junior water rights get their full amount with more and more junior water rights added each year. The aquifer is now over allocated, and everyone is hurting. The drought has only exacerbated and brought to a head the situation created by the actions of the last 30 years. Spring flows must increase. For this to happen, the amount of water entering the aquifer must exceed the amount of water leaving the aquifer. Any actions taken that do not result in a net increase to the aquifer are only prolonging the decline and making recovery more difficult. In the long term, the economic viability of the Magic Valley depends on the stabilization of the aquifer. Once spring flows have been recovered and senior water rights are being met, from then on the amount of water leaving the aquifer must equal the amount going into the aquifer. Equally important, senior water rights must be protected by proper management of the aquifer. Both of these must happen for the long term health of the aquifer and the economy of the Magic Valley.

Sincerely,

Bill Jones

J.W., Bill Jones
PO Box 265
Hagerman, ID 83332
208-837-4580, 208-539-6688

January 5, 2009

Idaho Water Resource Board
c/o Idaho Department of Water Resources
Attn: Sandra Thiel
P.O. Box 83720
Boise, ID 83720-0098

Dear Members of the Idaho Water Resource Board,

Thank you for the opportunity to comment on the draft Comprehensive Aquifer Management Plan (CAMP) for the Eastern Snake Plain Aquifer (ESPA). The CAMP represents a noteworthy achievement by the ESPA Advisory Committee, which overcame deep divisions to reach consensus on the draft plan. **Trout Unlimited and The Nature Conservancy support the CAMP, and we offer our assistance to the State of Idaho to help implement the plan.**

Kim Trotter of Trout Unlimited served as a member of the ESPA Advisory Committee representing environmental interests and Will Whelan of The Nature Conservancy was her alternate. Both Trout Unlimited and the Nature Conservancy participated actively throughout the Advisory Committee's 18 months of deliberations. We thank Governor Otter for allowing us to take part in developing the CAMP and believe that the proposed plan has value for all Idahoans.

Attached you will find our joint public comments and recommendations for implementation of the CAMP. If you have any questions, please feel free to contact either of us at your convenience. Again, we are grateful for the opportunity to have participated on the CAMP Advisory Committee, and we look forward to continuing to work with you to implement the plan.

Sincerely,

KG Trotter

/s/

Kimberley Goodman Trotter
Director, Idaho Water Project
Trout Unlimited

Will Whelan
Director of Government Relations
The Nature Conservancy

The Nature Conservancy • Idaho Chapter • 950 W. Bannock St., Suite 210 • Boise, ID 83702
(208) 350-2202 • wwhelan@tnc.org

Trout Unlimited • 151 North Ridge Avenue, Suite 120 • Idaho Falls, ID 83402
(208) 552-0891 • ktrotter@tu.org

COMMENTS OF TROUT UNLIMITED AND THE NATURE CONSERVANCY RE:

EASTERN SNAKE PLAIN AQUIFER COMPREHENSIVE AQUIFER MANAGEMENT PLAN

Submitted to: Idaho Water Resource Board

January 5, 2009

Thank you for the opportunity to comment on the draft Comprehensive Aquifer Management Plan (CAMP) for the Eastern Snake Plain Aquifer (ESPA). The CAMP represents a noteworthy achievement by the ESPA Advisory Committee, which overcame deep divisions to reach consensus on the draft plan.

Trout Unlimited (TU) and The Nature Conservancy (the Conservancy) support the CAMP. We offer our assistance to the State of Idaho to help implement the plan.

Kim Trotter of Trout Unlimited served as a member of the ESPA Advisory Committee representing environmental interests and Will Whelan of The Nature Conservancy was her alternate. Both TU and the Conservancy participated actively throughout the Advisory Committee's 18 months of deliberations. We thank Governor Otter for allowing us to take part in developing the CAMP and believe that the proposed plan has value for all Idahoans.

These comments address the need for the CAMP, environmental issues linked to aquifer management, and strategies for implementing the aquifer plan.

I. Idaho Needs a Positive, Collaborative, and Realistic Plan for the ESPA.

The decline of the Eastern Snake Plain Aquifer has been decades in the making. And, stabilizing the great aquifer will require the State of Idaho to commit to a multi-decade plan of action. Governor Otter wisely understood that this level of commitment could only be achieved by involving the full range of Idaho interests who have a stake in the aquifer's future. Reaching consensus among the diverse groups on the Advisory Committee was a nearly Herculean task. It required careful consideration and difficult compromise by committee members who often held directly opposing positions.

The plan that ultimately emerged from the Advisory Committee's deliberations is carefully balanced. Though it is far from a perfect document, the CAMP lays out a reasoned course of action that will improve the health of the aquifer without imposing overwhelming costs or major environmental impacts.

We strongly encourage the Idaho Water Resource Board to give great weight to the balance of compromises struck by the Advisory Committee. We trust that the Board will not change the language of the CAMP in ways that would disrupt that balance.

An important strength of the CAMP is that the Advisory Committee avoided measures that are clearly beyond the State of Idaho's realistic ability to implement. Some of the action alternatives that the Committee reviewed and passed over had costs that ran into the billions of dollars. The actions that were selected for the CAMP's Phase I represent a very ambitious but doable agenda for the next ten years. We encourage the State of Idaho to focus its energy and money on the Phase I actions and to avoid diverting its limited resources to costly capital projects that were not selected for Phase I. An approach that focuses on Phase I also has the best chance of sustaining the consensus of the interest groups on the Advisory Committee.

II. The ESPA and the Snake River Are an Interconnected Hydrologic System.

Managing the ESPA has important implications for the environmental quality of the Snake River and its spring tributaries. The Idaho Water Resource Board recognized this link when decided that the overall goal for the CAMP should be to: "Sustain the economic viability and social and *environmental health* of the Eastern Snake Plain by adaptively managing a balance between water use and supplies." (Emphasis added)

The ESPA feeds springs that flow along a crescent of the Snake River from American Falls to near Bliss. The flow of these springs is great, totaling about 6 million acre feet per year. Spring flows are essential to sustaining many of the aquatic systems of the Snake River. For instance, during the late summer, most of the water flowing in the Middle Snake River downstream of Twin Falls comes from spring discharges from the ESPA. Declines in ESPA can affect both the volume and the quality of water that support the fish and wildlife populations, recreation, and beneficial uses of the Snake River as well as many smaller spring-fed streams.

Actions taken to manage the ESPA also have important implications for the health of the Snake River. Aquifer recharge, groundwater-to-surface water conversions, water conservation, and reducing groundwater pumping all change the volume and timing of water flow in the Snake River and spring-fed tributaries. These flow changes affect the ecology and human uses of the Snake River. In short, the ESPA and the Snake River should be viewed as interconnected hydrologic systems that sustain fish and wildlife, recreation, hydropower, and other non-consumptive uses.

When viewed this way, it is clear that there is no water in the Snake River that is merely "surplus". The undiverted water that remains in the river serves important ecological and economic functions. For instance, periods of high flow in the spring help flush the system of nutrients and macrophytes, provide conditions needed for sturgeon spawning, and contribute to the river's overall ecological health.

Aquifer recharge and conversions involve diverting river flows onto the Eastern Snake Plain and thus have the potential to do significant harm to the Snake River. The effects of any new diversions from the Snake River are of greater concern because they occur against the backdrop of a river system that is frequently under stress due to low flows.

These concerns are mitigated somewhat by the fact that much of additional water diverted for recharge will return to the Snake River via the springs. Water management actions that stabilize or increase the inflow of cool and clean spring water to the Snake River can provide an important environmental benefit. Unfortunately, this benefit does not necessarily outweigh the adverse impacts of additional diversions. The return flow often comes in to the Snake River far downstream of the point of diversion and can take decades to emerge from the springs. Moreover, some of the water diverted for recharge accrues to the ESPA as long-term ground water storage and never does reach the river. Finally, diversions can change the timing and volume of flows, such as by reducing high flows in the spring, in ways that are detrimental to the health of the river.

This point is not meant to suggest that river operators should not move forward with aquifer recharge or other measures to augment the in-flow to the ESPA. To the contrary, **hydrologic analyses presented to the Advisory Committee demonstrate that it is possible to improve the health of the ESPA without harming the Snake River.** The two things that are essential to achieving this result are: (1) to integrate environmental considerations into aquifer management and (2) to balance measures that increase water supply through demand reduction and targeted conservation with measures that divert surface water to recharge the ESPA. The CAMP promises to do both, and that is why we support the plan.

III. CAMP Adopts a Sound and Balanced Approach for the ESPA.

The CAMP recognizes that managing the ESPA requires a broad mix of actions; there is no single "silver bullet" that will stabilize the aquifer. The diversity and the balance among the different management strategies that the Advisory Committee selected is the CAMP's greatest asset. Phase I of the CAMP adopts a "short-term" package of actions that involves a roughly 50-50 split between aquifer recharge/conversions and demand reduction/conservation. And, for the 600 thousand acre foot (kaf) long-term objective, the Advisory Committee selected an approach that puts roughly equal emphasis on the two strategies.

Hydrologic model analyses show that the specific mix of measures in the CAMP is capable of ameliorating environmental concerns. These analyses were developed jointly by technical staff of the Idaho Department of Water Resources and the Idaho Power Company and combined both surface water and groundwater models. The analyses simulated the effects of several different action alternatives on aquifer elevations, spring discharges, and monthly average river flows at dozens of points along the Snake River.

The CAMP Environmental Report summarizes the results of these model runs. The results of simulations for the 600 kaf long-term goal are clear. The "demand reduction"

simulation (250 kaf aquifer recharge/conversion; 350 kaf demand reduction) has few negative impacts on Snake River flows compared to the "no action" base case. On the other hand, the "recharge" simulation (500 kaf aquifer recharge/conversion; 100 kaf demand reduction) will reduce springtime flows, particularly in average and above average years. The model results for the Phase I actions, with its balanced approach, shows relatively few changes in river flows compared with the base case.

There is a simple reason why a mix of strategies helps to protect the Snake River: demand reduction increases Snake River reach gains year in and year out. These reach gains make more water available for aquifer recharge and for conversions. Similarly, conservation on tracts outside of the ESPA means that less water is needed to supply off-ESPA irrigation and more is available to augment inflows to the ESPA. Thus, the two strategies are highly complementary. Demand reduction and conservation can help provide a reliable water supply for recharge and conversions without further harming the Snake River.

Additional specific comments about the different CAMP strategies are set forth in Sections V. and VI., below.

IV. Environmental Considerations Can Be Successfully Integrated into CAMP Implementation.

A. The State of Idaho Should Establish an Advisory Committee with Broad Representation to Guide CAMP Implementation

The most important contribution of the CAMP is not in resolving the fine details of ESPA management but in charting a reasonable course for future implementation of broad strategies. Just as the Water Resource Board's ESPA Framework document laid the foundation for the CAMP process, the CAMP itself provides the structure – the walls within which to work – for managing the ESPA's overall water budget. Strategic, balanced implementation is the mortar that will make the CAMP successful in providing the security that water users, municipalities, environmental interests, and other stakeholders are seeking from the plan.

The CAMP demonstrates that consensus-based planning can empower stakeholders to identify balanced management goals. This approach to decision-making should be the model for implementing the CAMP.

We support the recommendation that the State of Idaho form a CAMP Implementation Committee authorized to recommend actions and objectives to stabilize and improve aquifer levels, spring discharge, and river flows. The Committee should also be charged with establishing a coordination process that shares timely information on river and aquifer management actions, makes recommendations and provides opportunity for public involvement.

The Implementation Committee should include at least one member of every interest group represented on the Advisory Committee. TU and The Conservancy would like to see an Implementation Committee that continues to include representation from Idaho's conservation community. If this request is granted, we will continue to commit time and resources to the implementation of the CAMP. Conservation representation will help broaden state and federal support for the CAMP, potentially bringing new sources of funding for projects that benefit agricultural and natural resources. Further, including conservation interests in the implementation process can help reduce the risk of costly and time consuming environmental disputes.

B. The Proposed River Coordination Process Can Improve the Effectiveness of CAMP Implementation.

The CAMP outlines the primary tools that ESPA stakeholders want to use to achieve the changes in the water budget. Details on timing, location, and magnitude of actions are, however, intentionally generic. Specific water management actions need to be designed individually and in context of water availability, annual precipitation forecasts, and the economic factors. Available water for recharge will vary from year to year, as will factors that will determine a balance of other management alternatives like crop mixes, demand reduction, and conversions. Implementation, therefore, needs to be adaptive on a year-to-year basis.

In recognition of the need for continuing adaptive management, the CAMP recommends that "The [Implementation] Committee will establish a coordination process that shares timely information on river and aquifer management, makes recommendations and provides opportunity for public involvement." Section 3.2.2., #1. This coordination process can offer a valuable opportunity to involve key CAMP participants in helping to optimize outcomes for fish and wildlife, recreation, hydropower, municipalities, irrigation, aquaculture, and other uses.

After reviewing hydrologic modeling analyses of CAMP actions, TU and the Conservancy are convinced that there are opportunities both to enhance fish and wildlife habitat and advance ESPA management objectives at the same time. The key elements needed to take advantage of these opportunities are: (1) a forum in which timely water management and river operations information is shared; (2) a commitment to consider operational strategies that assist fish and wildlife and other river uses; (3) support for establishing science-based strategies for integrating fish and wildlife considerations into system management; and (4) active collaboration by the interested members and advisors of the ESPA Advisory Committee.

One model for this kind of management exists on the South Fork of the Snake River in eastern Idaho. The U.S. Bureau of Reclamation and the University of Montana designed Ecologically Based System Management (EBSM), a management plan that determines the hydrologic regimes needed to maintain the long-term health of aquatic ecosystems under the existing irrigation and flood control constraints. Reclamation evaluates

opportunities to meet ecologically based flow targets on the South Fork Snake River each water year in light of contractual obligations and prevailing hydrologic conditions.

As part of the process, the Bureau of Reclamation meets two to four times a year with conservation groups, irrigators, and agencies to determine ecological flow targets. This informal process maximizes benefits for natural resources and irrigators downstream of Palisades Reservoir. The model has helped recover ESA petitioned Yellowstone cutthroat trout populations in the South Fork while meeting the needs of irrigators in Idaho.

This model for river operations has proven to be successful in Idaho, and should be integrated into larger Snake River operations as part of the CAMP implementation.

C. The CAMP Policy Favoring Downstream Transfers for Recharge and Conversions Can Benefit both the Aquifer and the Snake River.

Conversions and aquifer recharge are key strategies in the CAMP's approach for improving the ESPA's water budget. To facilitate these strategies, the CAMP favors a policy of providing water for recharge and conversion projects through downstream transfers of surface water rights to the ESPA. Section 3.2.2., #6. This policy can meet the needs of irrigators in a manner that enhances flows in flow-limited tributaries. Downstream transfers can maximize the agricultural and conservation benefits of our limited water resources.

Idaho has already passed legislation to implement this model for specific basins. One example is the Wood River Legacy Project, which received unanimous support from the Legislature in 2006. In this pilot project, upstream water rights holders can donate their water to the Idaho Water Supply Bank to meet irrigation demands, including aquifer recharge, for downstream users on the Wood River system. The project allows water to stay instream through flow limited reaches of the Big Wood River and Silver Creek that are known for their recreational fisheries. In turn, downstream water users can use the water to mitigate for groundwater pumping or for irrigation. Overall, this is a win-win for both irrigation and recreation interests.

There are opportunities to expand this model in other parts of the ESPA where water for instream flows that coincides with the interests of downstream water users to obtain more water for their uses. Conservation interests are a natural constituency to find those upstream natural flow water rights for downstream recharge or conversion projects. Additionally, other interest groups are interested in exploring this mechanism to improve water quality, provide water for municipal and industrial purposes, and secure water for agriculture.

Furthermore, the policy would encourage parties seeking to donate or sell their water an avenue to directly benefit aquifer recharge and conversion programs. An ideal program would also authorize tax benefits or other incentives to those donating natural flow water

rights to fill downstream recharge and conversion rights. This would provide an incentive to help with the ESPA CAMP and provide a public instream flow benefit.

Encouraging downstream transfers requires no funding and can operate with minimal supervision by the Board and IDWR. The development of a clearinghouse (see below) would make transfers under this policy more efficient, however. Current legal restrictions ensure that no other water users would be injured by such transfers.

D. The CAMP Provision for a Transactions Clearinghouse Can Improve the Effectiveness of Groundwater Mitigation Efforts.

Another potential opportunity for conservation benefit arises from the CAMP's provision calling for a transactions clearinghouse. Section 3.2.2., #3. The Clearinghouse would be a flexible mechanism that connects willing participants of ESPA water management projects to implement recharge, conversion, and demand reduction strategies. The CAMP leaves the details on how such a Clearinghouse would be structured to the Water Resource Board and State water managers, but the concept holds great potential benefit.

The Water Resource Board could use the Clearinghouse mechanism to create procedures for the development, approval and sale of plans that address water resource needs identified in the CAMP. By sharing information and soliciting wide participation in CAMP-related water projects, the Clearinghouse could help State water managers tap a wide range of potential funding sources, including federal funds, State of Idaho funding, local and municipal funding, private business (e.g. Idaho Power), non-governmental entities, parties that have a mitigation responsibility, and new businesses. The Clearinghouse could coordinate funding sources involving water right transactions and water supply projects. The Clearinghouse could act both opportunistically as well as pro-actively to develop the necessary transactions. Projects could include demand reduction proposals, recharge projects, and water quality, hydroelectric, and fisheries impact mitigation.

Thus, the Clearinghouse could provide a forum through which a wide range of potential participants in water projects could meet, pool their resources, and design projects that further multiple objectives. The type of multi-faced project that could benefit from the Clearinghouse might share some of the characteristics of the Pristine Springs transaction. That transaction combined State money, City of Twin Falls money and ground water mitigation funds and resolved the following problems: the water quality problem at Pristine Springs hatchery, the municipal water supply problem of the City of Twin Falls, the mitigation obligations of North Snake and Magic Valley Ground Water Districts, and water supply problems of the Blue Lakes fish hatchery.

V. Aquifer Recharge and Conversions Contribute to a Balanced Aquifer Management Plan.

The Advisory Committee carefully examined a substantial amount of material regarding recharge, and recharge discussions dominated many of the committee meetings. At the

end of the day, the Committee decided not to recommend large-scale recharge due to cost and implementation problems. The Committee instead recommended a more feasible role for recharge in Phase I of the ESPA CAMP, with additional recharge in Phase II.

The facts presented to the Advisory Committee also showed that recharge has drawbacks, which led the Committee to recommend a lesser amount than might have been expected at the beginning of the CAMP process. The soil profile of the Eastern Snake Plain in many places is not amenable to effective recharge, so substantial and expensive recharge structures will have to be designed and constructed that both allow for recharge and protect ESPA water quality. To achieve the yearly average goal that the Committee recommends, recharge facilities will have to be oversized to take advantage of wet years. In many years the structures may sit unused and no recharge will be achieved.

Having noted its drawbacks, recharge can have environmental benefits. Improving the aquifer balance helps boost spring flows and enhance Middle Snake River water quality. Recharge is a form of water storage that has less impact on surface water streams. Recharge is a good adaptation to climate change in that it minimizes evaporation and water temperature increases. The benefits and limitations of recharge were carefully weighed by the committee before making their recommendation to the Board. The Water Resource Board should not amend the recharge recommendations, which were based on a hard look at the physical and fiscal realties of recharging the ESPA.

Although less politically popular than recharge, the committee also included substantial ground-to-surface water use conversions in its recommendations. Although conversions will require some construction, the biggest challenge they will face will be finding surface water sources to carry them out. If not carefully implemented conversions could have adverse effects on Upper Snake River stream flows. Converting to surface water does provide a more resilient form of water use—one that is not as dependent upon and conserves electric energy.

Several important elements in the recommended ESPA CAMP were adopted to mitigate for the impacts of recharge and conversions, and should be adopted by the Board:

- *Environmental Considerations* — Continue to integrate environmental and other considerations into the CAMP decision-making and implementation process. There is no free lunch: water sources must be identified, economic and environmental impacts must be weighed. With the advice of the Implementation Committee, the CAMP will seek to optimize outcomes for fish and wildlife, recreation, hydropower, municipalities, irrigation, aquaculture, and other uses. §3.2.2. #2

- *CAMP Implementation Committee* — The Implementation Committee will recommend objectives to stabilize and improve spring flows, aquifer levels, and river reaches. Implementing the ESPA CAMP to optimize the results will require careful geographic targeting and project design. The Committee will establish a coordination process that shares timely information on river and aquifer

management actions, makes recommendations and provides opportunity for public involvement. §3.2.2. #1

- *Clearinghouse* — Evaluate options to implement a flexible mechanism that connects willing participants in the implementation of ESPA water management projects. Develop a strategic approach to implement recharge, conversion, and demand reduction strategies using a clearinghouse structure. §3.2.2. #3

- *Downstream Transfer Policy* — Encourage providing water for recharge and conversion projects through downstream transfers of surface water rights to the ESPA in a manner that enhances flows in flow-limited tributaries. §3.2.2. #6

As a final comment regarding recharge, the policy encouraging continuation of incidental recharge has some merit as a form of underground water storage, but should not be rigidly pursued. In some instances, increased conveyance or irrigation efficiency may permit water managers to use that saved water to purposefully meet specific ESPA objectives more effectively than general incidental recharge.

VI. Demand Reduction and Conservation Also Play an Important Role in a Balanced Aquifer Management Plan.

The Advisory Committee gave demand reduction a prominent place in the CAMP. As used here, the term "demand reduction" refers to a range of programs and measures to reduce withdrawals from the ESPA. It also includes transferring upstream surface irrigation rights to aquifer recharge and conversions.

Three factors support the Advisory Committee's judgment. First, demand reduction measures can be implemented quickly – without the complicated design, construction, and implementation issues associated with managed recharge and conversions. Second, the benefits of demand reduction accrue in good water years and bad water years. Hydrologic modeling analyses showed that the benefits of recharge-based strategies decline during periods of sustained drought – meaning that spring discharge tends to decline at the very time when water shortages (and litigation) are most likely to occur. Third, the Advisory Committee understood the opportunity to increase the effectiveness of demand reduction by designing flexible programs that are responsive to the needs of groundwater pumpers.

This last point about the need for flexibility in demand reduction is crucial. The Advisory Committee was briefed in detail about the Conservation Reserve Enhancement Program (CREP) project for the ESPA. Although it remains a broadly supported option for landowners, the CREP project project's eligibility limitations – including individual and county acreage caps – significantly reduced enrollment. Further, CREP's one-size-fits-all approach of paying only for long-term fallowing at a fixed price per acre failed to respond to market conditions and discouraged participation. A more effective approach to demand reduction requires being responsive to landowner needs and flexible in the face of changing economic and water supply conditions.

The Advisory Committee did not attempt to design the details of demand reduction programs. This task now lies with the Idaho Water Resource Board and the CAMP implementation process. Fortunately, the Advisory Committee's discussions provide important insights into how such a program might be assembled. These insights include the following points.

- Demand reduction efforts should be carefully targeted in order to increase both the cost effectiveness and the hydrologic response of the program. Two types of targeting are needed.

- The first type of targeting is geographic. Hydrologic analyses reveal that the benefits of demand reduction depend greatly on the location where pumping is reduced. It makes sense to target higher incentives on specific portions of the ESPA that are most likely to produce the quickest response at the springs. Note that this same point applies to recharge and conversion measures.

- The second type of targeting is economic. The cost of water is highly variable depending on factors such as depth to the aquifer, soil type, distance from town, and crop mix. It makes sense, therefore, to develop approaches that seek to identify the lowest cost water that can be acquired in places that will do the most benefit for the ESPA.

- Several Advisory Committee discussions emphasized the need to structure demand reduction programs in ways that give groundwater pumpers the ability to develop strategies that work for their particular operations. Some landowners may prefer very short-term leases; others may want permanent sales. Others may seek to fallow pivot corners or marginal fields. And, some may wish to reduce their pumping by changing cropping patterns. Advisory committee members repeatedly discussed the notion of putting out a request for proposals (RFP) soliciting demand reduction ideas from landowners.

- The Idaho Water Resource Board should commission a survey of groundwater pumpers to identify opportunities and to shed light on how programs can be designed to respond to their needs.

- The CAMP's provision for a "clearinghouse" would establish an information exchange through which entities that are seeking water for recharge, conversion or demand reduction can meet pumpers and irrigators who are interested in supplying that water. Such a clearinghouse could significantly improve the performance of all dimensions of the CAMP.

- CREP and other Farm Bill programs should be used to the fullest extent possible within their terms and purposes. The availability of federal funding reduces the need for scarce State funding. To the extent that the federal incentive alone is not high enough to meet program objectives, consider "piggy-backing" state incentives on top of the federal payments. By covering the difference between the

federal payment and the price needed to secure landowner enrollment, the State could gain significant benefits at a fraction of the overall incentive.

The draft economics report prepared by WestWater Research, LCC, dated September 30, 2008,[1] sheds important light on the range of costs associated with demand reduction. Under a contract with the Idaho Department of Water Resources, WestWater developed a model for estimating the cost of acquiring water for ESPA management, using commodity prices prevailing the in the summer of 2008. Table 5 of the report, at page 15, sets forth estimated acquisition costs in each of five zones within the ESPA and segregated by pump lift (50 ft to 500 ft). For Zone 1, which encompasses the western part of the ESPA closest to Twin Falls, the costs ranged from $469 to $852 per acre foot. For the entire ESPA, costs ranged from $205 to $1,077 per acre foot.

This range of estimated acquisition costs underscores two points about the design of potential demand reduction programs.

First, as noted above, it makes sense to develop programs that target the least costly water first. Second, the highly variable nature of the acquisition costs should serve as a caution against attempts to put a total price tag on the demand reduction program. For instance, some documents have placed the total program cost at $250-$400 million. However, this estimate is based on an earlier cost estimate of $1,250 per acre foot, which is higher than the highest values shown on Table 5. Significantly, the September 30, 2008, version of the WestWater report does not use the $250-$400 million figure. Given the difficulties of estimating program costs, it makes sense to proceed initially through pilot programs that offer targeted incentives and that help program managers to understand interest levels and prices.

Demand reduction raises important social and economic considerations. It must be stressed that reducing agricultural production is nobody's objective. Demand reduction is included in the CAMP only because it is a practical strategy for stabilizing the water supply for agriculture and other water uses that have been subject to chronic shortages. A stable water supply contributes to the long-term sustainability of local communities and the Idaho economy. And, as part of a balanced aquifer management strategy, demand reduction helps avoid harm to the natural systems and human uses of the Snake River.

Finally, the CAMP endorses water conservation efforts where they have the potential to improve the ESPA water budget. The ESPA Advisory Committee recognized that conservation that reduces ESPA recharge can be counter-productive. Conservation is included in the CAMP because there may be locations off of the ESPA where increased irrigation efficiency could reduce surface diversions from the Snake River. Such reduced diversions could provide additional flexibility to conduct aquifer recharge on the ESPA. We believe that, in this context, conservation is an important part of the overall mix of actions included in the CAMP.

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[1] The full title of the draft report is: "Appraisal Level Economic Analysis for the ESPA Comprehensive Aquifer Management Plan – Demand Reduction Options" prepared for Idaho Department of Water Resources.

VII. The CAMP Does Not Require New Surface Storage.

The immediate focus of the recommended ESPA CAMP is on Phase I actions consisting of: Groundwater to Surface Water Conversions, Managed Aquifer Recharge, Demand Reduction, Pilot Weather Modification Program, Maintenance of Incidental Recharge, Identifying Impediments to Growth, and specific Additional CAMP recommendations with an estimated total cost of $70 - $100 million. Phase 1 does not recommend or budget for new surface water storage. The recommended ESPA CAMP only calls for new water storage in the form of recharge—a form of storage that is environmentally preferable to new dams.

The ESPA Advisory Committee recommended a long-term package of actions to achieve the 600 kaf goal consisting of the Phase I actions, plus additional demand reduction and aquifer recharge. While the recommended ESPA CAMP does not specifically call for new dams, it does not rule them out. Surface storage is among the management alternatives presented during the ESPA CAMP Advisory Committee's deliberations, and it anticipated that this option will be examined further and evaluated on its merits as a means to accomplish the additional managed recharge. But, there are numerous pathways for accomplishing the long-term goal of a 600 kaf annual water budget change. Those pathways do not necessarily require new surface storage. In fact, the hydrologic modeling analyses of the 300 kaf and 600 kaf action packages presented to the Advisory Committee did not assume new surface storage. The ESPA CAMP document recognizes that the Legislature has funded feasibility studies that will examine benefits, costs, alternatives and impacts of new storage projects and the Board should not take further action pending the outcome of those studies.

VIII. The Proposed Pilot Weather Modification Program Should Have a Full Monitoring and Community Outreach Effort.

If the State pursues a weather modification pilot program it should adopt a comprehensive monitoring plan to measure water yield in target areas, impacts on downwind precipitation, and environmental effects. The State should analyze and present this data to the CAMP implementation committee, who can then make long-term weather modification recommendations to the Board.

Since weather modification is only successful when moisture is already present in an area, cloud seeding can potentially increase risks associated with storms. The State should suspend weather modification activities during heavy precipitation periods when additional rain or snow may have adverse consequences on wintering game, public safety, flooding, or other factors.

Furthermore, the public is often unclear or misinformed on the purpose, benefits, or risks associated with weather modification. As part of the pilot program, the State should consult county commissions and the public in areas affected by planned weather modification activities and develop an outreach plan for these communities.

IX. The Impacts of Climate Change Should Be Considered During CAMP Implementation.

Unlike future CAMPs for other Idaho aquifers, the ESPA CAMP does not explicitly consider climate induced changes in ESPA water supply. This weakness should be addressed during implementation of the ESPA CAMP and should include, among other things, consideration of:

- The impact of climate induced changes in the amount and pattern of precipitation;
- Increased evapotranspiration and crop irrigation requirements caused by rising temperatures;
- Increased surface water temperatures;
- Higher summer demand for electricity; and
- The increasing value of low carbon producing hydroelectricity.

Climate change will be the biggest future challenge to the ESPA, and the economy, environment and society that relies upon it. Additional funding for the ESPA CAMP may be available to meet this challenge. Nimble and thoughtful adaptation of the ESPA CAMP by the Board and the Implementation Committee will be vital.

CONCLUSION

The ESPA Advisory Committee was asked by Governor Otter to tackle the most complex and contentious water management issue ever to face the State of Idaho. The Committee deserves great credit for overcoming its differences to reach consensus on a sensible plan for the future of the ESPA. Trout Unlimited and The Nature Conservancy were honored to serve with our fellow Idahoans on the Committee. We believe that the plan that was forged, while far from perfect, benefits all of Idaho and should be adopted.

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January 5, 2009

Idaho Water Resource Board
c/o Idaho Department of Water Resources
Attention: Sandra Thiel
IDWRInfo@idwr.idaho.gov

Re: Comments – Draft Eastern Snake Plain Comprehensive Aquifer Management Plan

Members of the Board:

Pursuant to the public notice issued November 7, 2008, the Idaho Power Company (Idaho Power) takes this opportunity to submit comments to the Idaho Water Resource Board (the "Board") on the Draft Eastern Snake Plain Comprehensive Aquifer Management Plan (Draft CAMP).

As an initial matter, Idaho Power commends Governor Otter, the Board, and the Legislature for initiating and supporting the CAMP development process. The CAMP Advisory Committee, of which Idaho Power is a member, brought water interests from throughout southern Idaho to the table in an effort to solve a common problem – declining levels in the Eastern Snake Plain Aquifer (ESPA), connected springs and the Snake River. All too often water users approach such problems as adversaries. This forum, however, allowed interests to express their differences but yet work together in spite of them. Thus far, in IPC's view, it has been a success.

The result has been the Draft CAMP, the first step in addressing a resource condition that has been decades in the making. The declining trends in the ESPA, connected spring flows and the Snake River result from decades of ground water pumping, changes in surface water irrigation practices, and extended drought. The Draft CAMP seeks to reverse these trends, but just as the problem did not manifest itself overnight, the implementation of management measures to address it will not solve it overnight.

Moreover, the hydrogeologic complexity of the ESPA and its relationship to the springs and the river makes the task of reversing the declining trends even more challenging. As such, the Draft CAMP can only be the first step in a long, iterative and adaptive process. It should be expected that the CAMP will develop further as measures are implemented and the efficacy of those results are considered.

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Boise, ID 83707

Idaho Power considers this Draft CAMP a good first step and submits these comments to clarify, and perhaps improve, portions of the draft. Specific comments and proposed changes to the Draft CAMP are underlined and in "red" in the attached. Idaho Power's comments generally address the following issues:

1. Due to the uncertainty and complexities inherent with the management and restoration of the ESPA, the Draft CAMP is necessarily the first step in the development of a more comprehensive management plan with the expectation that as implementation proceeds that the long term and more detailed aspects of the management plan will be developed with greater specificity. Any long-term plan for managing water supply and demand in the ESPA must include an adaptive management process to allow for adjustments or changes in management techniques as implementation proceeds.

2. The leadership of the State and the Board in implementing a collaborative approach to water management should continue by providing direction and financial support for CAMP implementation. The interests involved in the CAMP process have devoted significant time and effort educating one another as to how interests that depend on the aquifer, springs and river are affected by water management decisions. This interaction is a valuable by-product of the CAMP process and has enabled the Advisory Committee to make significant progress with the development of the CAMP. This progress should continue through the measured implementation of the CAMP and the establishment of an Implementation Committee to advise the Board on the development and implementation of subsequent CAMP phases.

3. The Draft CAMP objective is a 200-300 kaf change in the water budget for the ESPA over a 10-year period. However, "water budget change" does not necessarily equate to new or additional water in the Upper Snake River Basin. Depending on the water management measure implemented, the change in the water budget may be in the form of changing the seasonal timing of flows or transferring water from a surface source to the aquifer or to the springs. Water budget adjustments that rely on the transfer of surface water should only occur when impacts on in-river interests, such as water quality and fish and wildlife, and existing water rights are considered and addressed.

4. While implementation of measures sufficient to realize a 200-300 kaf water budget change may be achievable within ten years, realizing the full extent of the change will likely not occur within that time frame. Realizing the full effect of an implemented measure on the water budget depends upon many variables including the type of measure, where and when it is implemented, the availability of water for some measures, and the nature of the change anticipated.

5. The Draft CAMP does not specifically critique or prioritize management strategies, but it is expected that as Phase-1 is implemented that this will be a necessary function of the Implementation Committee and the Board. In Idaho Power's view however, preliminary

information reviewed by the Advisory Committee does indicate that some form of demand reduction (decreased output/consumptive use) or weather modification (increased input/precipitation) has the most significant effect on the overall system water budget.

6. The implementation of each of the proposed management strategies should include a monitoring plan designed to assess the efficacy of the measures implemented. This will assist in the development and implementation of future measures.

7. In implementing each of the proposed management strategies, the Board should pursue opportunities for cooperative arrangements that may expand the scope of, or resources available to, a program by providing complementary benefits to environmental interests, such as fish & wildlife or water quality, hydropower, recreation or other third party interests.

8. Due to time constraints, Idaho Power does not believe that the Advisory Committee was able to reach consensus on a specific funding recommendation. Nonetheless, the Draft CAMP identifies various funding strategies. Idaho Power believes that these, and other strategies, should be further explored and developed by the Board and the CAMP Implementation Committee for legislative consideration as Phase-1 of CAMP proceeds. In the interim, financing of Phase-1 should proceed on a pay-as-you-go basis under the contribution targets outlined in the Draft CAMP. This will allow the Board, and the water users, to assess the accuracy of the cost estimates for the Phase-1 recommendations and, through the adaptive management process, implement those measures that are both efficient and cost effective. Based upon the Board's experience with Phase-1, recommendations could then be made to the Legislature for the financing of the long-term CAMP implementation costs.

Idaho Power appreciates having had the opportunity to participate in the CAMP process and provide these comments to the Board. Idaho Power supports the CAMP process and looks forward to working with the Board and other stakeholders in the continued development of CAMP objectives, and the prospective measures and funding necessary to meet those objectives.

Very truly yours,

James C. Tucker

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Eastern Snake River Plain Aquifer (ESPA)

Comprehensive Aquifer Management Plan

Presented to the

Idaho Water Resource Board

by the

ESPA Advisory Committee

November 2008

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ACRONYMS

CAMP	Comprehensive Aquifer Management Plan
Cfs	Cubic feet per second
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
ESPA	Eastern Snake River Plain Aquifer or Eastern Snake Plain Aquifer
IDWR	Idaho Department of Water Resources
IWRB	Idaho Water Resource Board (also abbreviated as “Board”)
kaf	Thousand acre-feet
M&E	Monitoring and Evaluation

INTRODUCTION

This document presents the recommended initial steps for the development and implementation of a Comprehensive Aquifer Management Plan (CAMP) for the Eastern Snake Plain Aquifer (ESPA), as directed and funded by the Idaho Legislature. At the direction of the Governor and the Idaho Water Resource Board, the CAMP was developed collaboratively by the ESPA Advisory Committee (Committee). Due to the uncertainty and complexities inherent with the management and restoration of the ESPA, this document is necessarily the first step in the development of a more comprehensive management plan with the expectation that as implementation proceeds that the long term and more detailed aspects of the management plan will be developed with greater specificity.

1.0 EXECUTIVE SUMMARY

The CAMP is intended to establish a long-term plan for managing water supply and demand in the ESPA through a phased approach to implementation together with an adaptive management process to allow for adjustments or changes in management techniques as implementation proceeds. The CAMP hydrologic vision is to achieve, in increments, a net ESPA water budget change of 600 thousand acre-feet (kaf) annually.[1] It is projected that this hydrologic goal can be achieved through implementation of a mix of management measures including, but not limited to, aquifer recharge, ground-to-surface water conversions, and demand reduction strategies. The intent of the CAMP is to guide actions which stabilize and improve spring flows, aquifer levels, and river reaches across the Eastern Snake Plain. Without immediate CAMP implementation, management of the resource and accomplishment of the goal and objectives envisioned by the ESPA CAMP Framework adopted during the 2007 legislative session will necessarily be delayed. Delaying the CAMP implementation will result in the further decline of the resource, requiring more time, cost and effort to improve conditions.

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[1] In the context of the CAMP, "water budget change" does not necessarily equate to new or additional water in the Upper Snake River Basin. Depending on the water management measure implemented, the change in the water budget may be in the form of changing the seasonal timing of flows or transferring water from a surface source to the aquifer or to the springs. Water budget adjustments that rely on the transfer of surface water should only occur when impacts on in-river interests, such as water quality and fish and wildlife, and existing water rights are considered and addressed.

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The Committee proposes approaching the 600 kaf target in phases. The CAMP Phase I (1–10 years) hydrologic target is a water budget change between 200 kaf and 300 kaf. Committee recommendations for Phase I include site-specific implementation actions based on the anticipated hydrologic effect of those actions, as outlined in Section 3.2.1. The recommended water budget adjustment actions include:

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A. Ground water to surface water conversions
B. Managed aquifer recharge
C. Demand reduction, including
    1. Buyouts, buy-downs and/or subordination agreements
    2. Rotating fallowing, dry-year lease agreements and CREP enhancements
    3. Crop mix modification in the Aberdeen/Bingham groundwater district
    4. Surface water conversion measures
D. Pilot weather modification program
E. Minimizing loss of incidental recharge

To ensure that the valuable input of stakeholders is not lost through the implementation of Phase I as outlined in Section 3.1.2 and the design and implementation of subsequent phases, the Committee recommends the establishment of a CAMP Implementation Committee. This committee will provide recommendations to the Board concerning Phase I implementation, assessment of Phase I effectiveness, definition of subsequent phases, and coordination of activities necessary for implementation. The Implementation Committee will include representation, at a minimum, of all interest groups currently represented on the ESPA Advisory Committee.

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Although the CAMP is built upon a substantial base of technical information and knowledge, it is recognized that present-day solutions may be refined and improved as new information and

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technologies are developed. Accordingly, the CAMP includes an adaptive management component discussed in Section 3.0 which requires ongoing coordination between the Board staff and the proposed CAMP Implementation Committee. The Committee recommends continued effort to identify and address all water use needs that may be affected by this plan, including integration of environmental considerations in decision making (see **Environmental Sub-Committee Report at www.espaplan.idaho.gov**).

Full implementation of Phase I (10 years) is estimated to cost between $70 million - $100 million, or an estimated cost of $7 million and $ 10 million annually. Subsequent phases and funding needs will be developed and recommended by the Implementation Committee to the Board. The Committee recommends that implementation funding come from ESPA water users, state and federal sources, as well as private sources. This plan is not designed to provide mitigation credit for any individual group, although it is expected that CAMP implementation may reduce the demand for administrative solutions.

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2.0 BACKGROUND

In response to declining aquifer and decreased Snake River flows that resulted in insufficient water supplies to satisfy existing beneficial uses, the Idaho Legislature passed Idaho Senate Concurrent Resolution No.136 in April 2006, and requested that the Board prepare and submit a Comprehensive Aquifer Management Plan for the ESPA. From the beginning, CAMP development took place in a public forum. After a series of public meetings with stakeholders, the Board presented the ESPA CAMP Framework (Framework) to the Legislature on February 14, 2007.

The Framework recognizes that supply of and demands for water are out of balance in the Eastern Snake River Plain and the connected Snake River, making more deliberate and coordinated management of surface waters of the Snake River and the underground waters of the

ESPA a necessity. The Framework sets forth the overarching goal and objectives adopted by the Board for the management of the ESPA.

As stated in the Framework, the goal of the CAMP is to:

> "*Sustain the economic viability and social and environmental health of the Eastern Snake Plain by adaptively managing a balance between water use and supplies*."

The objectives of the CAMP are to:

1) Increase predictability for water users by managing for reliable supply
2) Create alternatives to administrative curtailment
3) Manage overall demand for water within the Eastern Snake Plain
4) Increase recharge to the aquifer
5) Reduce withdrawals from the aquifer

The Framework outlined a process for development of the CAMP that called for an advisory committee to prepare and recommend a plan to the Board. To that end, and pursuant to House Bill 320, the Board and Governor Otter appointed stakeholder representatives to the ESPA Advisory Committee (see **Appendix A**). Beginning in May 2007, the Committee held monthly meetings. To ensure the process was transparent and inclusive, all meetings were open to the public and all related materials were posted on the ESPA website (www.espaplan.idaho.gov). In February 2008, the Board, with Committee recommendations, provided a Progress Report to the Natural Resources Interim Legislative Committee to share progress and outline recommendations for initial water management measures (see **Appendix B**). Since that time, the Board and Committee have worked to complete this CAMP for submission to the 2009 Legislature.

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2.1 Management Alternative Analysis

Guided by the goal and objectives in the Framework, the Committee has identified and considered opportunities for managing available water supply and demand to more efficiently address current and future water use needs, including but not limited to those for irrigated agriculture, aquaculture, industry, hydropower, municipalities, real estate development, domestic users and to protect environmental values. The Committee conducted a comparative analysis to assess the potential effects of a range of management options[2], including:

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- Managed and incidental recharge
- Groundwater to surface water conversions
- Demand reduction strategies
    - Conservation Reserve Enhancement Program (CREP)
    - Dry-year leasing, rotating fallowing, etc.
    - Crop mix changes
    - Buy-outs and subordination agreements
    - Water conservation measures
- Additional surface water storage[3]
- Weather modification
- Acquisition of water supplies below Milner Dam to meet Upper Snake River salmon flow augmentation obligations

Working with the Committee, the Idaho Department of Water Resources (Department) developed alternative packages comprising a mix of these management options and analyzed each to ascertain the effects on reach gains and aquifer levels. The Department studied a range of

[2] While the Advisory Committee did not specifically critique or prioritize management strategies, it is expected that this will be a necessary function of the Implementation Committee as strategies are finalized and implemented. Preliminary information reviewed by the Advisory Committee does, however, indicate that some form of demand reduction (decreased output/consumptive use) or weather modification (increased input/precipitation) has the most significant effect on the overall system water budget.

[3] The Idaho legislature and Board are evaluating the feasibility of additional surface water storage across the state in order to increase available water supply. Ongoing studies will outline the benefits, costs, alternatives and impacts of such projects.

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potential water budget changes between 300 kaf and 900 kaf (See **ESPA CAMP technical documents at www.espaplan.idaho.gov**). In addition, six packages of management strategies were examined to provide a comparison of the hydrologic benefit, economic consequences, and potential environmental impact of pursuing such actions.

2.2 CAMP Implementation Benefits

Water is a unifying and critical feature of the region. About one-third of Idaho's population resides on the Eastern Snake Plain, and the Eastern Snake Plain Aquifer is the sole source of drinking water for many cities and rural residents. Agriculture is the largest segment of the local economy and the largest consumptive user of water. There are roughly 2.1 million irrigated acres on the ESPA (about 60% of Idaho's total). Of the 2.1 million irrigated acres, 871,000 acres are irrigated from surface water, 889,000 acres are irrigated from ground water, and 348,000 acres are irrigated from both sources. Beyond irrigated agriculture, food processing and aquaculture (both public and private) depend on an ample supply of ground water. Springs discharging from the ESPA also sustain fish and wildlife habitat and provide water quality benefits. Hydroelectric power generation, recreation, and fisheries are also dependent on river flows. Though small relative to agricultural uses, DCMI (domestic, commercial, municipal, industrial) water use is also increasing. Providing for increased DCMI uses while sustaining or mitigating for existing uses is vital to the future growth of state and local economies.

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Implementation of CAMP will work toward meeting the goal and objectives outlined in the Framework by:

- Improving aquifer levels (stabilization and potential enhancement)
- Increasing gains in some river reaches
- Increasing water supply certainty for all users
- Decreasing demand for litigation and administrative remedies
- Allowing for municipal and industrial growth

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- Providing an ongoing public process for assessing the hydrologic, economic, and environmental issues related to the implementation of aquifer management strategies.

Implementation of the ESPA CAMP will also provide a template of a collaborative planning process that can be used in other regions in Idaho. In addition, proactive management of water supplies will help address variability in climatic conditions, including drought.

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2.3 CAMP Consequences of Inaction

The continued viability of irrigated agriculture, aquaculture, industry, hydropower, municipalities, future development, domestic uses and environmental resources will be adversely impacted if the current water supply trends continue on the ESPA. Proactive measures, such as those identified and recommended for implementation in Phase-1, are expected to change these trends and help protect the economic viability of not only families, farms, and industries on the Eastern Snake Plain, but of Idaho as a whole.

The Committee believes that without increased participation and an adaptive plan to manage a balance between water use and supply in the ESPA, the following scenarios are expected:

- An escalation of conflict between water users
- Increased litigation
- Increased likelihood of ground water curtailment
- More expensive water for industries and increased power costs, resulting in limited opportunities for economic and community growth
- Adverse impact to the health of the state economy

Inaction will result in continued uncertainty and instability for water users, increased vulnerability to changes in yearly supply, and less water for the expansion of municipal, industrial and commercial uses. Implementation of CAMP will provide certainty and stability

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and also provide a mechanism for taking advantage of periodic wet years and high flow events when surplus water may be available to implement CAMP strategies.

The State of Idaho and the IWRB by implementing a collaborative approach to water management through the ESPA Advisory Committee has demonstrated leadership which must continue by providing direction and financial support for CAMP implementation. Those involved in the CAMP process have devoted significant time and effort into educating each other about their concerns and how different interests that depend on the aquifer, springs and river are affected by water management decisions. This interaction is a valuable by-product of the CAMP process and has enabled the Advisory Committee to make significant progress with the development of the CAMP for improving the ESPA and the connected spring and river resources. This progress should continue through the measured implementation of the CAMP and the establishment of an Implementation Committee to advise the Board on the development and implementation of subsequent CAMP phases.

3.0 CAMP RECOMMENDATIONS

3.1 *Long-Term Hydrologic Goal*

The Committee recommends that the State implement measures over the next (20) twenty years that will realize a 600 kaf average annual change to the aquifer water budget. A 600 kaf water budget change is considered an appropriate goal considering present and future water needs, hydrologic impacts, and cost. It is currently estimated that full implementation of such a long-term package will cost in excess of $600 million and may be achievable within twenty years.[4] However, full implantation of the package is dependent on many variables, including water availability and funding. As such, the Committee expects that the specifics of this package will

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[4] It should be noted that while implementation of measures sufficient to realize a 600 kaf water budget change may be achievable within twenty (20) years, realizing the full 600 kaf of change will likely not occur within that time frame. Realizing the full effect of an implemented measure on the water budget depends upon many variables including the type of measure, where and when it is implemented, the availability of water for some measures, and the nature of the change anticipated.

be developed by the Board, with the advice of the Implementation Committee, as Phase-1 of the CAMP proceeds. This recommended package represents a balanced approach to modifying the water budget, as it adopts a mix of strategies. Specifically, the package includes aquifer recharge, groundwater to surface water conversions, and demand reduction efforts. Careful consideration was given to the following factors in the development of this goal:

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- Ability to target actions to accomplish specific hydrologic goals in specific locations
- Timeframe and ease of implementation
- Environmental and economic impacts
- Practicality, including financing and public and political acceptance

The Committee recommends that the following management strategies be implemented over a 20-year time period. These strategies are projected to effect a 600 kaf change in the annual water budget of the ESPA upon full implementation when conditions in the aquifer reach steady state.

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Ground Water to Surface Water Conversions	Approximately 100 kaf/year annual average (water supply provided by acquiring water supplies below Milner Dam to replace water required from the Upper Snake river for salmon flow augmentation) .
Aquifer Recharge	Approximately 150-250 kaf/year (using the IWRB natural flow water permit and storage water when available). Include a detailed monitoring program for the aquifer recharge program.
Demand Reduction	Approximately 250-350 kaf/year (voluntary mechanisms based on the principle of willing seller/willing buyer to reduce aquifer and spring flow demands, including CREP, purchases, subordination agreements, fallowing and crop mix changes, and other mechanisms).
Pilot Weather Modification	Implement a five-year pilot weather modification project in the Upper Snake River Basin and potentially the Wood River system, with state,

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Program local and other agency support. Include a detailed monitoring program for the weather modification program.

3.2 Phase I Hydrologic Targets

The Committee recommends that the State implement management measures that address aquifer, spring and river flows and contribute to long-term stakeholder cooperation. The Committee recommends that the Phase I measures outlined in Section 3.2.1 (Tables A-F) below be implemented over the next ten years, and provides suggestions for ensuring efficient implementation. Information on additional Committee recommendations to improve aquifer management, coordination and decision-making are included in Section 3.2.2.

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The recommended CAMP Phase I (1 – 10 years) hydrologic target is an average annual water budget change between 200 kaf and 300 kaf. Hydrologic analysis of Phase I implementation demonstrates significant hydrologic benefit across the ESPA. The following hydrographs provide an example of the benefits of implementation of all Phase I measures, assuming that all measures are immediately implemented. However, the actual changes realized in the water budget will vary depending on when these measures are implemented over the 10 year period. This analysis also assumes that other variables that may affect the water budget do not change, such as the existing moratoriums on new irrigation development. The implementation of measures to benefit or augment aquifer, spring and river flows will not achieve the projected water budget change if new or additional irrigation consumptive use is allowed, or if there is significantly less precipitation due to extended drought or climate change. Moreover, even under current conditions, the full extent of these water budget changes will not be immediate but will accrue gradually as implementation of the Phase I measures occur and continue for a sufficient time to allow the aquifer to reach equilibrium or steady state. Current analysis indicates that this may take 20 years from full implementation of the Phase I measures.

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Committee recommendations for Phase I include site-specific implementation actions and the expected hydrologic effect of those actions. The implementation of each of these management strategies should include a monitoring plan designed to assess the efficacy of the measures implemented. This will assist in the development and implementation of future measures. In implementing Phase I it is also important that the Board with the advice of the Implementation Committee and the public continues to identify and ensure that the implementation of these actions have no unintended adverse consequences on other water rights or in-river interests including water quality, fish and wildlife and hydropower.

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3.2.1 Phase I Actions[5]

A. Ground Water to Surface Water Conversions

Goal: **Implement 100 kaf Annual Average over 5 years**

Actions:

- Opportunistically pursue conversions equally above and below American Falls.
- Conversion opportunities include Hazelton Butte (estimated 9,000 acres); A&B service area through Milner Gooding canal and Minidoka Irrigation District; Aberdeen Springfield (lower end of system); South side of Minidoka (WD 140); Southwest Irrigation District, and others.

Issues:

- Examine capacity above American Falls for conversions (new wells in the last 40 years) on land previously using surface water).
- Opportunistically acquire water below Milner Dam or pursue other out-of-basin exchanges to be exchanged for Upper Snake flow augmentation water to provide a firm supply for the flow augmentation program, with consideration of potential impacts to other water rights and in-river interests including water quality, fish and wildlife and hydropower.

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[5] In implementing each of these actions the Board should pursue opportunities for cooperative arrangements that may expand the scope of, or resources available to, a program by providing complementary benefits to environmental interests, such as fish & wildlife or water quality, hydropower, recreation or other third party interests.

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- Opportunistically acquire upstream surface water rights on flow-limited streams and transfer them downstream to achieve both conversions and stream flow restoration.
- Execute conversions during the spring and fall shoulders as well as during irrigation season as capacity allows.
- Coordinate with Bureau of Reclamation operations and other interested parties to plan for conversions and optimize outcomes for fish and wildlife, surface water quality, and recreation.
- Identify sites and conduct engineering during winter 2009, focusing on high-lift pump areas.
- Implement initial conversions by 2010 crop year.
- Assume that a portion of costs may be born by irrigators who benefit from conversion (ex., reduced power costs and value of water "on the land").
- Potentially the least expensive available option, although incentives are likely needed to implement conversions.
- Evaluate impact on surface water availability and the reservoir system operations.

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B. Managed Aquifer Recharge

Goal: **Implement 80 kaf Annual Average over 5 years**

Actions:

- 20 kaf of recharge above Blackfoot on the Egin Bench including both fall and spring recharge efforts. Implement a fall 2008 recharge pilot project using storage water based on Committee of Nine approval and with consideration of Henry's Fork winter flows.
- 30 kaf recharge above American Falls on Jensen Grove, Aberdeen Springfield Canal, and New Sweden systems, and with consideration of South Fork River springtime flows.
- 30 kaf recharge that impacts the Thousand Springs Reach on the North Side Canal Company, Milner Gooding Canal. Explore opportunities for small scale targeted recharge in the Thousand Spring reach.
- Explore recharge options on north side of Lake Walcott
- Maximize use of the IWRB's recharge right, Wood River Legacy transactions, and/or flood control releases on the Wood River system.
- Develop and implement a detailed monitoring plan to assess efficacy of recharge efforts.

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Issues:

- Attempt to maximize recharge efforts on an annual basis except if recharge impacts available supply for conversions or adversely effects ground water quality.
- High priority on continued study of a recharge site at Lake Walcott as it has positive impacts on both the springs above American Falls and at Thousand Springs. Determine how to demonstrate reach gain benefit above Milner

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Dam.

- Coordinate with Bureau of Reclamation operations and other interested parties to plan for recharge efforts and optimize outcomes for fish and wildlife, surface water quality, hydropower and recreation.
- Develop long-term contracts with canal companies to deliver IWRB recharge water when in priority.
- Opportunistically acquire up-steam surface water rights on flow limited tributary streams and transfer them downstream to achieve both ground water recharge and stream flow restoration.

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C. Demand Reduction

1. Demand Reduction: Buyouts, Buy-downs and/or Subordination Agreements

Goal: **Part of annual Demand Reduction of 100 kaf**

Actions:

- Opportunistically pursue buyouts, buy-downs and/or subordination agreements across the ESPA, including in the Thousand Springs reach.
- Set aside financial resources to enable transactions.
- Pursue opportunities for cooperative arrangements that provide benefits to environmental enhancements (fish & wildlife, water quality, etc.), hydropower and third party interests as a component of such agreements.

2. Demand Reduction: Rotating Fallowing, Dry-Year Lease Agreements and CREP Enhancements

Goal: **Part of annual Demand Reduction of 100 kaf**

Actions:

- Implement fallowing and dry-year lease options equally above and below American Falls.
- Implement rotating fallowing program where groundwater users bid into a predictable and defined system to reduce demand.

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- Employ Dry-year Lease Options that use storage water to provide water supply and incentives for conversions.
- Pursue opportunities to leverage federal resources by providing additional incentives to increase CREP participation. Pursue other opportunities to increase CREP enrollment.
- Utilize the State Water Fund or other sources as available to provide seed money for demand reduction projects
- Pursue opportunities for cooperative arrangements that provide benefits to environmental enhancements (fish & wildlife, water quality, etc.), hydropower and third party interests as a component of such agreements.

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Issues:

- Develop specific demand reduction program to implement and generate funds by the end of 2009.
- Explore programs that may reduce ground water demands during dry years and programs that would have an impact on river flows during the growing season.

3. Demand Reduction: Crop Mix Modification in the Aberdeen/Bingham Groundwater District

Goal: **5,000 af per year and part of annual Demand Reduction of 100 kaf.**

Actions:

- Implement a pilot project, administered through Aberdeen/Bingham Groundwater District that targets a reduction of groundwater use through alternate cropping patterns (ex., changing hay for grain).

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- The program targets a reduction in groundwater use of an average of 5 kaf annually by year 5. Year 1 includes a 1,000 af target and the target increases 1,000 af per year until year 5.
- Aberdeen/Bingham Groundwater District will determine most effective methods to accomplish targets.

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4. Demand Reduction: Surface Water Conservation

Goal: **Most efficient use of available surface water supply (undetermined quantity).**

Actions:

- Evaluate opportunities for surface water conservation measures.
- Construct check structures and automated gates, equalizing reservoirs, pump backs and investigate reducing transmission loss at specific areas where transmission loss does not benefit a ground water user or spring water user without impacting incidental recharge, thereby reducing return flows and saving water to be used for additional conversions.
- Explore federal grants to leverage state monies and reduce cost to canal companies.

Issues:

- All conservation efforts are site specific and need to be examined on a case-by-case basis to ensure desired impact.
- Hydrologic effects of conservation actions could include an increase in natural flow and storage, and may provide supply for conversions.
- Pursue incentives for conservation activities and quantify hydrologic benefits, including water quality benefits from reduced return flows.

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D. Pilot Weather Modification Program

Goal: **Surface Water Supply enhancement, undetermined quantity**

Actions: Implement a five-year pilot weather modification project in the Upper Snake River Basin and potentially the Wood River system, with state, local, university, and other agency support for the program.

Issues:

- Develop plan in 2009 and implement during winter 2010.
- Include a detailed monitoring program.
- Strategy will target an increase in winter snowpack.
- Idaho Power Company has agreed to work with the State and interested counties to implement the experimental project.
- Coordinate with the state of Wyoming regarding potential partnership.
- Develop procedures to suspend weather modification activities during heavy precipitation periods when additional rain or snow may have adverse consequences on wintering game, public safety, flooding, or other factors.

E. Incidental Recharge

Goal: **No reduction in incidental recharge over 10 years over the ESPA**

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Action:

- Recognize the role of incidental recharge.
- Work with canals and funding agencies that are implementing water conservation measures to offset the effects of conservation to the aquifer.

F. CAMP Implementation and Growth

Goal: **Identify and address impediments to municipal, industrial, and commercial growth.**

Actions:

- Review administrative rules that are an impediment to growth and implementing CAMP management actions; take administrative steps to assure that water is available to sustain future economic growth.

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3.2.2 Additional CAMP Recommendations

In addition to the overall hydrologic vision and Phase I implementation steps, the Committee recommends the following actions to enhance coordination, decision making, and aquifer management.

1. ***CAMP Implementation Committee*** — This Committee will refocus and restructure the CAMP Advisory Committee to concentrate on aquifer management (including recommending additional research needed to better understand the hydrogeology of the ESPA), prioritization, development and implementation of actions, and agency coordination. The Implementation Committee will continue to consider, revise and recommend measures and objectives to stabilize and improve spring flows, aquifer levels, and river flows. This function is an important part of the adaptive management component of the CAMP given the complexities and evolving nature of the water resources of the ESPA. The Committee should include, but not be limited to, interest groups currently represented on the ESPA Advisory Committee. The Committee will also establish a coordination process that provides for the sharing of information on river and aquifer management actions, assesses efficacy of implemented measures, makes recommendations to the Board and provides opportunity for public involvement.

2. ***Environmental, Hydropower and Other Considerations*** — Continue to integrate environmental and other considerations into the CAMP decision-making and implementation process. With the advice of the Implementation Committee and with public input, the Board through implementation of the CAMP should seek to optimize outcomes for fish and wildlife, recreation, hydropower, municipalities, irrigation, aquaculture, and other interests and where feasible pursue opportunities for cooperative arrangements that may expand the scope of, or resources available to, CAMP programs by providing complementary benefits to such interests..

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3. ***Clearinghouse*** — Evaluate options to implement a flexible mechanism that connects willing participants in the implementation of ESPA water management projects. Develop a strategic approach to implement recharge, conversion, and demand reduction strategies using a clearinghouse structure.

4. ***Outreach and Education*** — Develop and fund a broad water education and outreach effort, building on existing water-user outreach efforts and programs, with an initial emphasis on local governments, domestic well owners, and consumptive water users.

5. ***Management Flexibility and Innovation*** — Pursue and incorporate the most cost effective water management tools that achieve the overall goals and objectives for improving the ESPA. Explore innovative approaches that can improve water supplies available for conversion, recharge, and/or enhancement of surface supplies.

6. ***Downstream Transfer Policy*** — Encourage providing water for recharge and conversion projects through downstream transfers of surface water rights to the ESPA in a manner that enhances flows in flow-limited tributaries. Such transfers should be consistent with state law, policy and programs and utilize the water supply bank whenever appropriate.

3.3 Funding Recommendations

The Committee has identified a multi-pronged approach to funding the recommended Phase I, ten-year actions. It is estimated that $70 million - $100 million dollars will be needed to implement the Phase I, 200-300 kaf annual change in the ESPA water budget.[6] The Committee recommends that ESPA water users[7] join together to contribute 60% of the estimated funding requirement for Phase I and that the State of Idaho contribute the balance of the funding requirement through the creation of a state water fund.

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[6] Not including operations and maintenance costs if any of the Phase 1 activities are to continue.

[7] Including domestic users, consumptive and non-consumptive industries, and municipalities

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In addition, other sources of funding, including federal and private sources, have been identified and should be explored to advance implementation of the CAMP. Funding strategies for implementing subsequent management measures will be developed and presented to the Board during Phase I by the CAMP Implementation Committee.

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3.3.1 Phase I Funding

The following table outlines a recommended funding approach for CAMP Phase I implementation with contribution targets. These contribution targets have been discussed with individual stakeholder representatives on the Advisory Committee but have not yet been approved or accepted by the respective stakeholder groups. As noted above, the estimated funding need for Phase I implementation is $70 million - $100 million ($7 – $10 million per year for 10 years).

Water User Category	Phase I Funding Contribution Targets
Irrigated Agriculture (groundwater and surface water)	$ 3 million a year
Idaho Power/Co-Ops	$ 1 million – $1.5 million a year (Idaho Power's contribution limited to projects that qualify for TEMP[8])
Municipalities	$ 700,000 a year (includes commitment to address rules and statutes that may inhibit

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[8] In connection with the relicensing of the Hells Canyon hydroelectric project, Idaho Power Company has proposed to implement a Temperature Enhancement Management Program (TEMP) as part of the Clean Water Act §401 water quality certification process. Through the TEMP, Idaho Power Company intends to develop, fund and implement watershed management and enhancement projects that will assist in ameliorating Snake River water temperature conditions. Idaho Power will work with the Implementation Committee and the Board to identify CAMP measures that qualify for inclusion in the TEMP. The §401 application is currently pending before IDEQ and has not yet been approved.

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	municipal growth)
Spring Users	$ 200,000 a year (based on cfs)
Industrial/Commercial Users (not in municipalities or groundwater districts)	$150,000 a year (based on estimated 15 kaf annually)
State of Idaho	$ 3 million a year
Federal	Pursue EQUIP/Water for America Initiative/CREP and other funding opportunities
Recreation/Conservation	Pursue grants and other funding opportunities

The CAMP Advisory Committee reviewed funding alternatives in an effort to identify a flexible strategy that was broad-based, covered all water users, provided equitable benefits and efficient revenue collection, and minimized interest expenses. The funding strategies outlined below were evaluated against these principles in an effort to reach consensus on the most viable funding strategy for the CAMP.

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A. ESPA Water Users Component:

1. ***Pay-As-You-Go.*** A financial policy that pays for capital outlays from current revenues rather than borrowing. An approach that pays for some improvements from current revenues and others by borrowing is said to be on a partial or modified pay-as-you-go basis.

2. ***Idaho Water Resource Board Contract.*** Using the existing Board Authority to issue revenue bonds, in which principal and interest are payable entirely from the revenue received (ultimately by the people and businesses that use the facility). This approach would be potentially taxable.

3. ***Water Management Improvement District.*** Assesses a fee to defray part or all of the costs of a specific improvement or service. A Water Management Improvement District

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would require legislative action to grant the Board authority to establish the districts.

B. State Component:

1. ***State Water Management Project.*** General Fund Appropriations from kilowatt per hour (kwh) power franchise fee, a states sales or property tax, special product or service tax, etc. to pay for the state portion of the management plan.

2. ***State Water Fund.*** Develop a state-wide water fund, funded through a state water management project, to authorize and fund such projects. Board would request annual appropriation based upon proposed projects.

While the Committee was unable to reach consensus on a specific funding recommendation, a combination of these funding strategies could provide opportunity for the continued implementation of the CAMP, including a pay-as-you-go strategy, the Water Board's existing loan and grant program and a Water Management Improvement District. The Committee suggests that these, and other strategies, should be further explored and developed by the Board and the CAMP Implementation Committee for legislative consideration as Phase-1 of CAMP proceeds. In the interim, financing of Phase-1 should proceed on a pay-as-you-go basis under the contribution targets outlined above (a pay-as-you-go strategy would eliminate interest rate exposure). This will allow the Board, and the water users, to assess the accuracy of the cost estimates for the Phase-1 recommendations and, through the adaptive management process, implement those measures that are both efficient and cost effective.[9] Based upon the Board's experience with Phase-1, recommendations could then be made to the Legislature for the financing of the long-term CAMP implementation costs.

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Deleted: The inclusion of the pay-as-you-go strategy would eliminate interest rate exposure. The new legal authority would:¶
¶
<#>Make it easier to administer water-user contributions;¶
<#>Reduce the interest rate expense¶
<#>Augment the ability to raise funds from specific geographic areas within the ESPA; and¶
<#>Increase likelihood of public acceptance of CAMP fees.¶
¶
The Committee further recommends the establishment of a state water project fund. Power franchise fees, sales tax, product tax, or other sources would be collected into the state water project fund and matched with water user and implementation partner contributions. As water users and implementation partners secure their 60% for a project or group of projects, a request would be made through the Water Board to the legislature to authorize the matching funds for the proposed projects. A collection method for irrigated agriculture, municipalities, spring-users, and industrial/commercial users might include an assessment through water districts.

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[9] The progress and success of the CAMP to date has been the result of consensus-building and stakeholder acceptance and involvement in the development of CAMP objectives, and the prospective measures and funding necessary to meet those objectives. To ensure stakeholder involvement and support for the ongoing funding and implementation of the CAMP, this collaborative process should continue.

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3.3.2 Phase I – Implementation Plan

The Board staff, in consultation with the Implementation Committee, will implement the Phase I recommendations as funding becomes available. Many options require additional analysis, outlining of implementation steps, developing a detailed implementation plan, and consultation with agencies and stakeholders. Board staff will develop an implementation plan that will be reviewed by the Implementation Committee and Board. One of the first tasks of the Implementation Committee will be to review and approve the implementation plan.

3.3.3. Legislative Modifications Needed to Accomplish CAMP

The Committee recommends further investigation of potential legislative action required to implement the CAMP, including, but not limited to:

- Authorization for the Board to establish local water improvement districts and assess fees to pay for projects.
- Establishment of a mechanism for collection of fees for allocation to a water project fund for state contributions to water management projects.

4.0 ADAPTIVE MANAGEMENT

This section sets forth an Adaptive Management strategy for implementation of the CAMP. The goal of Adaptive Management is to support improved decision-making and performance of water management measures over time.

Key principles fundamental to this approach include:

1. Anticipating possible future uncertainties and contingencies during planning

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2. Employing science-based approaches to build knowledge over time
3. Designing projects that can be adapted to uncertain or changing future conditions

Adaptive management involves taking actions, testing assumptions, and then monitoring and adapting/adjusting the management approach as necessary. It is a way of taking action – even in the face of uncertainty – in a complex system with many variables and constant change. Developing perfect knowledge concerning any system, including the ESPA, is impossible, and therefore an adaptive management approach is critical to the successful attainment of the qualitative and quantitative goals set forth in the CAMP. Successful adaptive management requires patience and long-term commitment, as acquiring enough data to make decisions about program changes takes time.

The CAMP adaptive management strategy will allow the State of Idaho to:

- Develop protocols for revising management actions and/or quantitative targets as necessary;
- Compare costs and impacts of different actions to manage and improve the water budget in the ESPA;
- Adjust funding allocation between projects to get the most "bang for the buck;"
- Concentrate funding on management actions that show results;
- Allow adjustments and revisions to the CAMP as new information becomes available or in response to changing water supply and demand needs; and
- Provide flexibility depending on results and analysis of monitoring and measurement data.

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4.1 Coordination & Implementation

Management of the ESPA affects numerous stakeholders and the State of Idaho. Effective implementation of the CAMP will require the participation and cooperation of stakeholders and governmental entities with jurisdictional authorities and responsibilities. The Committee therefore recommends establishing a CAMP Implementation Committee charged with providing guidance and recommendations concerning the implementation of management strategies and review of goals and objectives. The Implementation Committee would provide a forum for discussing Phase I implementation, establishing benchmarks for evaluating the effectiveness of measures, coordinating with water users and managers, evaluating and addressing environmental issues and identifying and pursuing funding opportunities.

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The Implementation Committee will include interest groups currently represented on the ESPA Advisory Committee, along with a Board liaison. The Implementation Committee will serve at the pleasure of the Idaho Water Resource Board and provide a forum for public participation. The Board staff would facilitate the work of the Implementation Committee and provide the technical information needed for its deliberations. The Board would continue to make the final decisions concerning CAMP project priorities, implementation, and funding.

4.2 Monitoring & Evaluation

A monitoring plan has been funded and developed for the ESPA, but additional monitoring and evaluation will likely be required beyond the existing program. Updating the ground water model (and other modeling tools) on a periodic basis and technical review by the Eastern Snake Hydrologic Modeling Committee is currently ongoing. Improvement in the models used to evaluate the effectiveness of management measures is on-going through a collaborative effort. As various water budget adjustment programs are implemented there may be need for additional monitoring or modifications to the existing program, e.g., specific projects may require site specific measurement, hydrogeology measurement and analysis not currently provided for. Additional modeling scenario analysis may be required to assist the Board and the CAMP Implementation Committee in the implementation process. Additionally, increased measurement of water use across the ESPA and an increased understanding of the hydrogeologic complexity are recommended to inform and raise awareness during the planning and management process.

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With data gathered through the monitoring process, the Implementation Committee and Board Staff should be able to assess the impacts of each management activity. In some cases, it may take a number of years to obtain sufficient data to achieve a comprehensive understanding of the effects of particular actions. Regardless, the success of the CAMP depends on the maintenance and development of state-of-the-art monitoring and evaluation tools that will provide the information necessary to made sound planning decisions for the future.

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Blind Canyon Aquaranch Inc.
2775 South 1050 East
Hagerman, ID 833323

Idaho Department of Water Resources
Attn: Sandra Thiel
PO Box 83720
Boise, ID 83720-0098
IDWRinfo@idwr.idaho.gov

5 January 2009

Sirs,

Like many in the Magic Valley, our family business is centered in agriculture. To grow our crops, fish and dairy cows, we utilize domestic/stock water wells, surface (canal) shares and spring water. We also use the domestic wells and spring water for drinking water. We have diversified to take advantage of the different market trends, but find each source of water to be in varying degrees of jeopardy to maintain our current operations let alone provide for any possible expansion. I strongly support the need for a plan that will address management of our water resource, but one that will fairly and immediately compensate those users that will not receive their full decreed water right under the plan. There are many admirable ideas that should provide tangible water to some reaches and users. To do nothing will result in continued decline of the aquifer and uncontrolled growth at the expense of current users. I respectively submit the following comments on the proposed CAMP.

Domestic Users

I believe everyone who has a "straw" in the aquifer, no matter how big or small, has had and will continue to have an impact on the aquifer. These straws have been part of the problem and must be part of the solution. As a domestic user, I would be willing to pay my share to balance my withdrawal and to help reduce the chance that I will have to deepen my well in the future. Similarly, I think it is a very good idea that cities that have already secured well water rights for future needs should also be part of the plan to ensure that aquifer levels will provide for their rights. It is wrong to allow domestic users to assume that they have no accountability for their actions simply because the constitution allows domestics to have access to water. We must be forward thinking and look at the collective picture.

I suggest that a $25-100 annual water fee for domestics is reasonable, with a similar rate for community wells scaled to account for the number of domestic users on the system. I also believe that to be accountable, we should start monitoring those wells – unlike citizens in Northern Idaho, those of us in Southern Idaho are more accustomed to monitoring and metering in our businesses and realize that we all need to be part of the solution. Counties already have mechanisms in place to allow for the collection of such fees.

Surface Water Users

As an irrigator located at the end of a canal company lateral, I know that I must purchase additional shares to carry my water to the farm and that some of the shares I purchase to carry my water will disappear from the canal as incidental recharge. Some of that recharge may be maintaining a domestic well on my farm, but should I personally be compensated or given credit for the incidental recharge I supply to downstream well and spring user neighbors? No. Members of the Lower Snake River Aquifer Recharge District, for example, have never been given credit for recharge actions they initiated to improve or stabilize the ESPA and their water rights, nor were they compensated for the

cost to build the recharge site in Shoshone, so why should we now start giving credit for similar actions? Recharge through the canal system contributes to part of the overall water balance that has been decreed to other users. But I do agree that the canal companies should be given some sort of compensation to offset their maintenance costs as an incentive to maintaining their leaky private systems for general public use. And those incentives should be borne by those who use the water as well as by the State who issued the rights to begin with.

Should I have to pay into a plan when, as a surface storage user, I don't have a straw in the aquifer? Yes. Partly because the plan proposes new water (precipitation) and new storage, surface users should be part of the plan. More importantly as an irrigator who has switched from flood to sprinkler irrigation, I am now aware that I have had an effect on the ESPA by causing a reduction in incidental recharge due to the efficiency of sprinkler application of water, and I know that change reduced the amount of water available to downstream users. The majority of users are downstream to someone else, so it really doesn't matter whether you sprinkle via a well or canal, anyone who irrigates with a sprinkler has had and continues to have a negative effect on the aquifer, and should be accountable for the effect that change has had on other users in the system and be a part of the recovery plan. The bottom line is that as a surface water user, I believe I have a financial responsibility to offset the negative effect my sprinkler system has on the aquifer and downstream users while balancing that negative effect against the positive effect of incidental recharge provided by the leaky canal system. Thus, I support a fee structure in which canal irrigators pay less per acre than well irrigators.

Spring Users

As a spring water user, and long-time member of a recharge district, I am willing to pay into a plan that stabilizes and enhances the aquifer to ensure the continued supply of water for my spring water rights even though I don't have a straw, per se, in the aquifer. But, like any user, I want to make sure the amount of money I pay into the plan is proportional to the amount of benefit I receive relative to my decreed right. The plan proposes that spring users as a group pay $200,000 toward the plan (originally proposed by a former IDWR Director based on $50/cfs for the nearly 4000 cfs of decreed spring water rights). Yet based on the best available predictions using the model, the spring reach that has lost the most water will recover the least under this plan - at best 1-2 cfs to the entire reach over 20 years when some individual springs in this reach have lost upwards of 50 cfs or more. This is unacceptable. Should spring users, or any user for that matter, be expected to pay for water that the plan does not propose to recover? No. Should water users whose decreed rights will not be fulfilled by this plan be offered immediate and realistic compensation for their losses? Yes. The plan must be adequately funded to compensate spring users for water that has disappeared and will not recover.

CAMP goal & Stabilization of the Aquifer

The stated goal is to " Sustain the economic viability … of the ESPA". We cannot manage the aquifer until everyone is on a level playing field in which all users have full water rights (or some have full and others have partially filled rights but have been compensated fairly for loss) and the aquifer has been stabilized so that no further losses will occur. Sustaining one's economic viability should not come at the expense of someone else's economic viability. The 600,000 af overall plan has not been modeled to indicate when or if stabilization can occur, so I can not endorse 600,00 af of change to the aquifer as the best plan any more than I can endorse a 900,000 af change. A stabilization goal and timetable must be set.

Mitigation Credit

The statement at the top of page 6 of 41 states that "the plan in not designed to provide mitigation credit" is correct. Mitigation is an administrative action for a specific user which is separate from an overall management plan put in place for the benefit of all users. So long as specific senior users do

not receive their full water rights and need to be compensated for those losses through the administrative process, mitigation will continue, and I expect the Director to follow through with that separate process. This plan can "create alternatives to curtailment" (objectives, page 7 of 41) only if a water user does not make a call because he believes the plan eventually will fulfill his full water right or adequately compensate him for his loss. The management plan is in addition to and separate from any mitigation plans in place, and will not preclude anyone from making a call if he so chooses. It is my hope that if everyone takes responsibility for his impacts to the aquifer, we will lessen the need for administrative curtailment.

State Financial Input

The State must be willing to support the plan – it is to what extent that is in question. If the State wants to continue receiving revenue to support the overall budget and other projects, it must make sure the water users can stay in business to pay taxes. The State must be willing to contribute annually toward infrastructure costs to put this plan in place.

CAMP Implementation Committee

I do not re commend that the major elements of the plan be changed by the Legislature or the Water Resources Board without first being reviewed and approved by the CAMP committee. Too much understanding and compromises were made by the various interest groups to get the plan to this form to risk being undermined by significant structural changes. However, more detail must be added to the plan, and the actions must be redirected to initially emphasize those areas in the greatest need of recovery or enhancement. The initial emphasis of those actions should be prioritized to create benefit first to seniors and those in the greatest need, rather than to follow the underlying philosophy that everyone will feel ownership in the plan if each receives some benefit, even if just a token benefit. It is a given that the ESPA interconnects us all and that we all depend on the ESPA to some extent; thus, we all must contribute to managing it. I agree that the best group of people to accomplish this and put the details in the plan will be an implementation committee composed primarily of the same interest groups and individuals that drafted the CAMP. The implementation committee can be further subdivided into specific action groups, recharge being one example. I know of a number of people that weren't on the original CAMP committee that wanted more input into the process but stayed away because the group was not focused enough on specifics. Implementation sub-committees can include those people who have specialized knowledge.

Funding Approaches (page 33 of 41)

There are three ways to pay for the plan: the State pays it all (by either taking a portion of the existing sales tax or adding a new tax of some sort), the users pay it all (by one or more of the three options listed), or the State and users share the costs. My preference is the former and I have advocated taking a portion of the sales tax to create a state-widewater fund. It was never my intention that if users paid a portion of the costs through one of the three methods listed on page 33 that the State would pay for their portion by adding a new or additional tax or franchise fee specifically for the State portion – that is like taxing us twice.

Before any of us can plan for growth, be it existing or new businesses or homes, we must have a plan that stabilizes, then manages the water resource. The proposed CAMP draft is a first step but one that can be improved.

Sincerely,

Linda L. Lemmon

Linda L. Lemmon

From: Vince Alberdi [mailto:vla45@q.com]
Sent: Thursday, December 04, 2008 11:03 AM
To: Tuthill, Dave
Cc: Jonathan Barthsch; Travis Thompson; John Simpson; Tom Arkoosh; Chuck Coiner; Brian Olmstead
Subject: Requested Revision to ESPA Comprehensive Mgmt. Plan

Dave:

To follow up on our conversation at the meeting we had at Fish and Game on November 13,2008 with the Surface Water Coalition, I am submitting the revised language the Surface Water Coalition would like in lieu of the language in the current draft plan. The language in the last sentence of the EXECUTIVE SUMMARY states "This plan is not designed to provide mitigation credit for any individual group, although it is expected that CAMP implementation will reduce the demand for administrative solutions."

Our suggested language would state:

The purpose of this Plan is to achieve change in the hydrologic budget of the ESPA. Neither the Plan, nor implementation of its proposed actions, shall constitute mitigation for any junior priority water right (surface or ground water) for purposes of water right administration.

Thank you for your consideration.

On behalf of the Surface Water Coalition,
Vince Alberdi