

**Eastern Snake River Plain Aquifer (ESPA)  
Comprehensive Aquifer Management Plan**

**Draft Framework**

**Presented to the**

**Idaho Water Resource Board**

**by**

**CDR Associates**

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## ***List of Abbreviations***

<b>Ac-ft</b>	Acre-feet
<b>CAMP</b>	Comprehensive Aquifer Management Plan
<b>cfs</b>	Cubic feet per second
<b>CREP</b>	Conservation Reserve Enhancement Program
<b>CRP</b>	Conservation Reserve Program
<b>ESPA</b>	Eastern Snake River Plain Aquifer or Eastern Snake Plain Aquifer
<b>IDWR</b>	Idaho Department of Water Resources
<b>IWRB</b>	Idaho Water Resource Board (also abbreviated as “Board”)

## 1.0 Executive Summary

This document presents a framework for the Eastern Snake River Plain Aquifer Comprehensive Management Plan, as requested by Senate Concurrent Resolution No. 136 enacted by the Idaho Legislature in April 2006. The Idaho Board of Water Resources (Board) worked with a team of facilitators and stakeholders from across the Eastern Snake Plain to develop goals and objectives for aquifer management, explore alternatives for positively impacting the water budget of the aquifer and outline funding strategies. This framework recommends a process for the development of the Comprehensive Aquifer Management Plan (CAMP), and suggests interim measures which can be taken by the State to positively impact the aquifer while the CAMP is in process.

The Board recommends that the Legislature:  
*(This section will be completed after the Board Meeting)*

The Board seeks approval of and funding for the interim measures listed in Section 6.0 of this report. Implementation of the interim measures outlined in the framework will begin to address water conflicts while the comprehensive management plan is developed. It is recognized that a significant change in the ESPA water budget is necessary and required to reach a balance between water use and supply. While this report advocates and supports all voluntary approaches to such water budget change, it is also recognized that water rights administration will have a significant effect on the management of the ESPA.

The Comprehensive Management Plan to be created by the Board and enacted by the Legislature will not end all litigation between parties over water rights issues in the Eastern Snake Plain. The legal questions that have been raised must be answered by the courts. However, the Framework and the Comprehensive Management Plan will outline a means for addressing the core issues of increasing water supply, decreasing water demands and identifying voluntary mechanisms to meet water user's water needs in the ESPA.

This document is written for legislature and members of the public, and assumes some familiarity with the water system in the Eastern Snake Plain. For those not familiar, please see Appendix A for a brief overview.

*[CDR prepared this document as a report from the Board to the Legislature. Where there are decisions to be made by the Board, we included information on stakeholder perspectives in italics, which the Board can either remove or keep in the final document]*

*[NOTE TO THE BOARD: This document is still in draft form, and as a result you may notice missing pieces of information. We are working to fill in all the blanks, and look forward to presenting you with a more complete version during the next Board meeting]*

## **2.0 Introduction and Project Description**

### **2.1 Background**

Senate Concurrent Resolution No.136, passed by the Idaho Legislature in April of 2006, requested that the Idaho Water Resource Board (IWRB) “expeditiously pursue, with support from the Idaho Department of Water Resources, development of a comprehensive aquifer management plan for the Eastern Snake River Plain Aquifer<sup>1</sup> for submission to and approval by the Idaho Legislature.” The Resolution directed the Board to solicit public input regarding development of the “goals, objectives and methods” for aquifer management from “affected water right holders, cities and counties, the general public and relevant state and federal agencies.” The Legislature also asked the Board to provide a status report during the next legislative session, together with a “framework for the plan, including appropriate interim goals and objectives in accordance with state law, a method to fund implementation of the plan and a time schedule for finalization of the plan.

The IWRB hired Diane Tate and Jonathan Bartsch of CDR Associates to provide neutral facilitation assistance in the development of a Framework. CDR Associates initiated the Framework process by conducting over 90 in-person and phone interviews with affected water rights holders and other stakeholders in August and September, 2006. The Board held public meetings, facilitated by CDR Associates, in October and January to receive input on the ESPA Framework process, and convened a series of working group meetings to develop the management alternatives presented in this report. Appendix B provides a complete listing of all meetings held in conjunction with the process of developing this framework.

This document, a Framework for a Comprehensive Management Plan of the Eastern Snake River Plain Aquifer, outlines goals and objectives for aquifer management, management alternatives, proposed funding strategies to implement management actions, and suggested interim measures to be taken while the Comprehensive Plan is being developed. The Framework provides an outline of the Comprehensive Plan development process, and offers an opportunity for Legislative feedback on proposed management alternatives. In addition, this report allows for consideration of the financial impacts to the state of pursuing projects or programs to benefit the aquifer.

### **2.2 Purpose of ESPA Management**

In Concurrent Resolution 136, the Legislature listed factors driving the need for a comprehensive management plan, including:

- Reduced spring discharges and areas of declining aquifer levels resulting from extended drought, changes in irrigation practices and ground water pumping;
- Conflict between water rights holders stemming from insufficient water supplies to satisfy existing beneficial uses;
- The threat to the state’s economy posed by ongoing conflict between water users;
- Resources already committed to the Conservation Reserve Enhancement Program (CREP);

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<sup>1</sup> Throughout the report, the acronym ESPA will be used to refer to the Eastern Snake River Plain Aquifer.

- Previous actions taken by the Legislature to manage the ESPA, including legislation to create water measurement districts and groundwater districts, and previous funding for project implementation and mediation between parties;
- Previous actions taken by IDWR, including the expansion and creation of water districts for the purposes of conjunctive administration;
- The authority vested in the Board to cooperate in water studies, planning and research, and the work already done by the board to inventory data and information related to the ESPA;
- The good faith efforts of water rights holders to contribute to a resolution to the conflict; and
- The determination of the legislature to facilitate and encourage a resolution of the surface/groundwater rights conflict that respects existing water rights and protects the welfare of the people of the state of Idaho by ensuring the aquifer is managed in accordance with state law.

Supply of and demands for water are out of balance in the Eastern Snake River Plain. Water rights holders in the ESPA have been coping with water shortages by changing crops, adjusting production, and seeking administrative and legal remedies. The Board's purpose in developing this Framework is to fulfill the request from the Legislature and exercise the Board's responsibility to plan for the management of the waters of the state. While the Board holds planning responsibility and water rights, the Idaho Department of Water Resources holds responsibility for administering water rights in accordance with state law. This Framework focuses on actions that can be taken by the Board to positively impact the ESPA water budget – increase supply or reduce demand – that will show results in the short term (5-10 years) and long term (10-50 years). While administration of water rights plays, and may continue to play, a major role in the State's efforts to manage the aquifer, such administration remains the purview of the Department and is not the focus of the Board's efforts to create a Comprehensive Plan for the management of the ESPA. The parties involved in conflicts over water rights in the ESPA recognize that if implementation of management alternatives does not sufficiently improve the condition of the aquifer, the remaining management tool is water rights administration pursuant to state water law.

IDWR financed the creation of a groundwater model of the Eastern Snake River Plain Aquifer to provide a tool for management of the resource (insert appropriate project name). The Board recommends use of this model, which continues to be updated and improved, to understand the potential benefits and other impacts of management alternatives to be explored during the development of the CAMP.

### 3.0 Goal and Objectives

This section presents a proposed aquifer management goal and objectives to help meet that goal. It explores possible measurements and targets to determine whether management actions implemented effect progress toward the goal and objectives in the short (5 years), medium (10 years) and long term (50 years). Should this goal and these objectives be approved by the Legislature, they will become the foundation of the Comprehensive Aquifer Management Plan (CAMP). *[Question for the Board: What sort of feedback is expected from the Legislature? Review only, approval, funding?]*

#### 3.1 Criteria for Goal and Objectives

The following criteria for the goal and objectives were developed in consultation with stakeholders.

Goal(s) for management of the ESPA should:

- Be realistic and achievable
- Be measurable by objective standards
- Actually “solve the problem”
  - Less litigation
  - Greater predictability
  - Better outcomes for water users
- Be consistent with state water law
  - Constitutional and statutory
  - Idaho Ground Water Act
  - Ground Water Management Areas
  - Critical Ground Water Management

#### 3.2 Proposed Goal and Objectives

The Board proposes a single goal for management of the ESPA:

Maintain the economic viability and social and environmental health of the Eastern Snake Plain by **achieving and sustaining a balance between water use and supplies.**

Goals suggested by stakeholders during the Framework process are listed below, and provided a basis for development of the goal suggested above:

- Provide greater predictability for water users
- Stabilize and enhance the aquifer
- Ensure continuity and protection of water supply
- Establish and achieve a ‘full mark’ for the aquifer, i.e. a specific aquifer level target
- Meet the ‘full economic development’ goals of the state
- Establish equivalent treatment across water uses
- Ensure that new water development is congruent with other surrounding uses

Establishing an ESPA goal provides a benchmark against which to measure the efforts undertaken. Supporting this goal are several objectives:

- Objective A: Increase recharge to the aquifer *[Stakeholders cited strong support for increasing recharge to the aquifer as the top priority.]*
- Objective B: Reduce withdrawals from the aquifer *[Some stakeholders expressed concern regarding compatibility between the objective of reducing withdrawals and the overall goal of maintaining economic viability, citing their view that access to water is critical for growth and development and any measures to reduce withdrawals could hinder that growth. Other stakeholders noted that increasing predictability and reliability can provide the economic viability in the ESPA]*
- *[The following are additional objectives that could be adopted by the Board: Objective C: Decrease overall demand for water within the Eastern Snake Plain [Some Stakeholders voiced concern that adopting this objective may lay the groundwork for designation of the ESPA as a critical groundwater area, with not enough supply to meet demand. They expressed doubt that the aquifer is in such a condition, noting that the drought has played a significant role in any water shortages. Others expressed the view that the objective to reduce overall demand is unrealistic since residential and commercial growth will continue to occur. Another group of stakeholders strongly disagreed with this view. Some suggest that a coordinated effort with counties and municipalities regarding land use planning and water quantity is needed. Other members of the public expressed the view that there is an enormous amount of water that leaves the state unused, and it may be better to set an objective of reduce competition for water from the aquifer.]*
- Objective D: Increase predictability for water users by reducing competition on the aquifer
- Objective E: Create alternatives to administrative curtailment]

*[Stakeholders provided comment on the aquifer objectives including:*

- *Increasing efficiency and conservation practices should be an aquifer objective. Others noted that inefficiency in farming practices provides critical incidental recharge to the aquifer. Providing clarity of how, where and when to encourage efficiencies and where there is benefit to the aquifer is needed.*
- *What is missing in the objectives is the term 'manage'. There is definite value in including 'management' in the objectives.*

*Options for Board action:*

- *Revise and confirm the goal and objectives based on public and stakeholder input*
- *Suggest other goal(s) and objectives for legislative consideration*
- *Others? ]*

In Section 4.0 of this report, proposed management actions are tied to these objectives, each of which is geared toward accomplishment of the overall goal.

### 3.3 Monitoring

During the Framework process, stakeholders stressed the importance of monitoring progress toward the goal in meaningful ways. The Board anticipates that the Comprehensive Aquifer Management Plan (CAMP) will define measurements and targets listed below, with stakeholder input:

- Possible Measurement: Water budget (supply and demand)
  - 5-year target: Range in acre-feet of annual net change
  - 10-year target: Range in acre-feet of annual net change
  - 50-year target: Balance in supply and demand *[Stakeholder cited concern that it would take 50 years to accomplish a balance of supply and demand. How would water users get their needs met in the interim?]*
- Possible Measurement: *[Possible measurements include groundwater levels at specific locations, discharge from specific springs, reach gains, etc.]*
  - 5-year target (s): To be determined
  - 10-year target: To be determined
  - 50-year target: To be determined

The CAMP will assess proposed management alternatives to predict the beneficial effect each funded program will have on the aquifer, and on achieving the stated goal. Frequent monitoring will allow the Board to assess how well management actions are working, and take steps to adjust activities to make them more effective, or redirect funding from those that aren't showing results to those that are. During the CAMP development process, a detailed monitoring plan will be developed by the Board in collaboration with stakeholders to detail how this “adaptive management” process will function.

Several factors may either positively or negatively influence achievement of the goal and objectives outlined above. These include climate related extremes such as drought, changes in conveyance efficiency or on-farm water uses which reduce recharge to the aquifer, and funding available for implementation of management alternatives. The management alternatives section of this document discusses measures to achieve the above objectives, and funding required. The Board plans to use the existing ESPA groundwater model to determine the level of management – minimal, moderate, or aggressive – necessary to achieve the objectives.

## 4.0 Management Alternatives

This section explores management alternatives discussed during the process of developing the Framework, and provides Board recommendations on which alternatives to consider further in the CAMP. The description of each alternative documents some of the risk factors and outstanding questions raised, as well as potential benefits. Management alternatives are presented in three categories: those which increase available water supply, those which reduce withdrawals from the aquifer, and those which decrease overall demand for water within the Eastern Snake River Plain. A table comparing each management alternative can be found in Appendix C.

### 4.1 Alternatives to Increase Supply

#### 4.1.1 Managed Recharge

**Board Recommendation:** Pursue a large-scale managed recharge program as a management alternative in the Comprehensive Aquifer Management Plan. Board-approved studies of three potential recharge sites will be used to refine cost estimates and potential benefit from large-scale managed recharge from Snake River and tributary water sources. Board actions to implement recharge in 2007 if conditions permit are discussed in Section 6.0.

*[Based on stakeholder comments, the Board may wish to consider the clarification of roles, tasks and responsibilities related to recharge as an additional action item for the CAMP.*

*Furthermore, the Board could address the concern that water leaving the state is 'wasted' by reviewing state obligations downstream and operational practices that result in water being released that is not used for recharge, and looking for additional opportunities to use water for recharge.]*

Managed recharge refers to the intentional placement of water on designated recharge sites for the purpose of causing that water to infiltrate into the underground aquifer. Recharge temporarily stores excess surface water in the aquifer, allowing that water to re-emerge as spring flow at a later date. In November 2006, the Board approved \$350,000 for feasibility studies and geological testing of several potential large-scale recharge sites on the ESPA. Creating recharge facilities on these sites would require additional construction cost, as well as operational and monitoring expenses. The large-scale sites under investigation are at Sugarloaf, along the Milner-Gooding system and at the Aberdeen Springfield system [Insert description of possible recharge sites]. Large-scale recharge sites would be designed to accept at least 200 cfs or approximately 397 acre–feet per day.

For the purposes of this report, managed recharge in sites constructed for that function is considered different from incidental recharge, such as seepage from unlined irrigation canals. Managed recharge may also rely on supplemental water sources, outside of the Board's established recharge rights, such as leased water. Limiting factors include the availability of natural flow for recharge, technical challenges, the cost of acquiring water from the rental pool, and the capacity of canal systems to deliver recharge water to recharge sites. In addition,

measurement of water diverted and water delivered must be conducted to quantify the actual amount of recharge taking place.

Several factors influence the efficiency, effectiveness and cost of recharge. These factors are outlined below, for consideration in the development of the CAMP.

#### Source of recharge water

- Recharge rights held by the Board provide a no-cost source of water for recharge purposes, but can only be used when these rights are in priority. This limits the amount of water available for recharge and the length of time it is available for diversion. Recharge rights are most likely to be in priority during the irrigation off-season, when the canal facilities required to transport water from the river to recharge sites are not normally maintained. When recharge rights are in priority, the Board must be able act quickly and send that water to recharge sites, requiring advance contracts with canal companies to compensate them for costs occurred in “wheeling” the water. The Board must also be able to cease diversions for recharge if the right falls out of priority.
- *[Stakeholders advise us that the Board may need to purchase storage water for any large-scale recharge program. This issue should be explored further in the CAMP development process.]*
- While incidental recharge is exempt from the Department of Environmental Quality (DEQ) water quality regulations, any managed recharge program will need to address water quality concerns. *[Stakeholders cited lack of clarity regarding what would trigger enhanced monitoring requirements from DEQ as a factor limiting a more aggressive recharge program. Some expressed an interest in learning exactly what can be considered incidental recharge, and when the line of recharge “intentionality” is crossed.]*
- Outstanding questions include the effect of dam operations by the Bureau of Reclamation on the availability of water for recharge, including the timing of flood control and flow augmentation releases. Additionally, the Palisades winter water savings agreement places limits on the use of water for recharge in the winter time that need to be addressed.

#### Additional Opportunities

- Opportunities to build small-scale recharge sites may exist throughout canal systems on the Eastern Snake Plain – on-farm storage reservoirs, re-regulatory storage, etc.
- Tributary recharge water rights held by the Board, and the potential to purchase additional tributary water or water rights, represent another opportunity to increase overall recharge. *[Stakeholders voiced significant support for investigating tributary recharge sites as a way to maximize efforts over the entire aquifer.]*

#### Targeting Recharge Benefit

- In the Eastern Snake River Plain, the aquifer connects to the river in many places, including through springs discharging into reservoirs or from canyon walls. Stakeholders suggested increasing those spring flows that have declined over past years as a potential target for a managed recharge program. The CAMP development process should identify the extent to which managed recharge could improve selected spring flows (compare

viable recharge sites with spring effects using the groundwater model) and optimize the location of recharge sites to achieve maximum benefit.

### Incentives to Participate

- A full-scale managed recharge program requires cooperation from many diverse entities within the Eastern Snake River Plain. Stakeholders encouraged exploration of incentive structures that would encourage participation in a recharge program.

### Outstanding Questions

- Other states have used managed recharge programs, including injection wells, to deal with aquifer supply issues. What can be learned from the experiences of these states that might be relevant to the Eastern Snake Plain?
- The State considers recharge a beneficial use of water for the purposes of water rights administration. Recharge is not currently considered beneficial to water quality, even though natural filtration through surface and sub-surface soils may occur. Should more discussion with state agencies take place to determine ways to address this issue? *[There is considerable stakeholder interest in examining whether there is flexibility with stringent water quality controls related to recharge. Some felt the requirement that recharge water must meet drinking water standards would limit significant managed recharge.]*

### Risk Factors

- Several environmental factors “beyond control” could influence the success of recharge in any given year. These include weather (example: ice could prevent opening of canals), snow pack (less water in the basin means less available for recharge), and surface water quality impairments which may have an impact on groundwater quality if tainted water is used for recharge in constructed sites.
- Operational risk factors include the ability of the recharge program to be responsive to rapid changes to both take advantage of the times when the Board’s recharge right is in priority, and cease diversion when the right falls out of priority. *[Stakeholders raised fragmented authority and fragmented communication, between and within state agencies and other organizations, as a major limit to responsiveness on recharge issues. It is unclear to many stakeholders where the authority to approve initiation of recharge rests, and who will be responsible for making sure it happens.]*
- The construction of managed recharge sites may trigger liability concerns. Two potential issues raised by stakeholders are impairment of water quality for drinking water wells and commercial wells located inside the area of influence of a managed recharge site, and creation of standing water environments which, without insect control, could become breeding grounds for mosquitoes.
- *[Stakeholders cited “missed opportunities” as a risk factor. Water that leaves the state and could have been recharged is viewed by some as wasted.]*
- *[Another risk factor raised was the chance that the anticipated benefits from recharge might not be realized, and that a large-scale program might not have the impact per dollar spent that was originally intended.]*

## 4.1.2 Incidental Recharge

**Board Recommendation:** Quantify and develop an understanding of the role of incidental recharge in the ESPA during development of the CAMP. Investigate and develop a proposal for the use of incentives or other strategies to manage levels of incidental recharge.

*[Stakeholders expressed a desire to explore in detail with IDWR and DEQ the exact definition of incidental recharge, and what activities qualify, in order to understand where water monitoring requirements may come into play. The Board could choose to include this additional element in the CAMP process.]*

Incidental recharge occurs when the normal operation of a water distribution system or on-farm water use practices results in infiltration that contributes to water levels in the aquifer. Experts estimate that incidental recharge accounts for a significant amount of the water entering the aquifer today (reference estimate and source). Activities that contribute to incidental recharge include: normal operation of unlined canal systems, operational spills within canal systems, flood irrigation, and irrigation of highly permeable land. To cope with decreased water supply, canal companies and irrigation districts could choose to invest in canal lining to improve delivery efficiency, however these actions may impact other water users by decreasing incidental recharge. Other operational changes could have similar effects, and reduce the total amount of water entering the aquifer each year, impacting the water budget. Continuing to operate systems with no efficiency improvements is a no-cost way to continue incidental recharge, however not improving systems may represent a loss of water for some users, and a hidden cost of keeping things the way they are today.

Factors affecting the role of incidental recharge in the ESPA water budget and the CAMP process include:

- Incidental recharge is difficult to document and quantify, due in part to the fact that canal systems (where significant incidental recharge occurs) operate with on-line flow measurement systems that meet their daily operation needs, and more extensive measurement and monitoring would be necessary to determine how much water was lost through seepage. Additionally, it is difficult to know exactly how much water lost to seepage ends up in the aquifer.
- From a water delivery perspective, water that seeps from the bottom of the canals is wasted, in that it represents water diverted from the river that cannot be given to an individual farmer. However, that “waste” is “gain” for the aquifer. When there is shortage in a water system, and all users are not getting their full allocation, encouraging incidental recharge may be viewed as wasteful by some, and at odds with the traditional approach to shortage, which is to conserve the resource.
- Should fees be assessed to fund implementation of management alternatives, some organizations or individuals may view incidental recharge from their operations as an activity which should count against their assessed fees. *[Stakeholders suggested a credit for incidental recharge that would could against levied fees. Some raised the issue of recovery wells, voicing support for some mechanism to ensure individuals don't get credit for recharging water they themselves are recovering.]*

### 4.1.3 Site-Specific Supply Augmentation

**Board Recommendation:** As a short to medium term solution to shortages in water supply available to senior rights holders, the Board recommends exploring site-specific supply augmentation opportunities during the CAMP development process. The Board anticipates this will provide only temporary relief, and apply to a limited number of cases.

Some conflict in the Eastern Snake River Basin originates with senior water rights that have not had sufficient water available to fully satisfy the right over an extended period of time. Recharge and other management alternatives may positively impact water availability, most likely in the medium or long term. If water uses can tolerate a different source of water, an option for meeting demand in the short term may be augmenting supply on a case-by-case basis. This provides an alternative to buyout or continued litigation. Some water users require water with specific properties. As an example, aquaculture requires water within a temperature and quality range that is suitable for producing fish. In addition, businesses often make operational decisions based on projections of the lowest available flow during the growing cycle, raising the importance of predictable supply. Some senior aquaculture users are currently among those without access to the full amount of their water right, and the CAMP development process should explore opportunities for site-specific supply augmentation with these users, and with others whose needs could be temporarily satisfied from other sources. *[Some stakeholders expressed concern that site-supply augmentation does not directly relate to the management of the aquifer and should not be included in the framework. Others noted that to the extent site-specific augmentation assists in reducing conflicts it can be valuable tool for addressing water conflicts in the ESPA.]*

### 4.1.4 Additional Surface Water Storage

*[A portion of stakeholders requested that the Board consider the option of additional surface storage reservoirs along the Snake River and its tributaries, or within other basins in southeastern Idaho. Some participants in a recent Management Alternative Working Group meeting voiced the opinion that the CAMP should focus on increasing available water supply in the Eastern Snake to feed continuing economic growth in the region. Opportunities raised included adding to existing dams to create more storage in reservoirs, small off-channel reservoirs that would also feed recharge, and new reservoir sites identified in the State Water Plan. Other stakeholders expressed doubt that additional storage is a viable alternative given the high costs and impacts associated with additional storage.]*

*Possible alternatives for Board consideration:*

- *Do not include exploration of additional surface water storage as a part of the CAMP, or in other statewide water processes.*
- *Do not include exploration of additional surface water storage as a part of the CAMP, but include this issue as an element of the next update to the State Water Plan.*
- *Include exploration of additional surface water storage opportunities as a part of the CAMP, with the contingency that funding will be sought separately from funding for other management alternatives.*

- *Include exploration of additional surface water storage opportunities as a part of the CAMP, and seek funding additional storage facilities along with funding for other management alternatives.]*

## **4.2 Alternatives to Reduce Withdrawals from the Aquifer**

### **4.2.1 Conservation Reserve Enhancement Program**

**Board Recommendation:** Because the deadline for enrollment in CREP is December 2007, the Board will explore possible actions to increase enrollment and raise the chances of this program reaching its predicted outcome of 200,000 acre-feet of water savings per year as a part of the Interim Measures in Section 6.0.

The Federal Farm Service Agency (FSA) and Idaho Soil Conservation Commission (SCC) launched a unique Conservation Reserve Enhancement Program (CREP) in 2006. The Federal Commodity Credit Corporation funds this and other conservation programs nationwide to conserve water and improve wildlife habitat. The state must contribute 20% of program cost in cash or in-kind services. CREP provides payments to land owners in exchange for a 14 or 15 year contract under which the land owner commits to not irrigate or farm the land, and establish suitable grassland cover.

Up to 100,000 acres may enroll in Idaho’s CREP program, with a projected water savings of 200,000 acre-feet per year. Within the first **\_\_\_ months** of the program, however, only **\_\_\_ acres** have been submitted and **\_\_\_ acres enrolled**. Anecdotal evidence suggests some farmers enroll in CREP as a way to transition out of farming, possibly into retirement, while maintaining some income. Some CREP submissions contain land that is expensive to farm - either marginal lands with low returns, or odd-shaped pieces requiring extra labor. Once the 15 year contract period is up, land owners may resume farming or sell the property and the water rights without penalty.

The large amount of federal dollars leveraged by state participation in the CREP program makes it a cost-effective way to achieve water savings. But what will happen when the 15 years are up? And what can be done now to ensure that the target of 100,000 acres and 200,000 acre-feet in yearly water savings is reached? This section explores factors contributing to the current status of the program. Because enrollment opportunities end in December 2007, and quick action is needed to ensure the program meets its original expected outcomes, Board recommendations are covered in Section 6.0, Interim Measures.

#### CREP applications will no longer be accepted once:

- The 100,000 acre enrollment ceiling is reached; or
- December 2007 arrives; or
- A curtailment order is issued (any water right included in that order is no longer eligible for CREP).

#### Current program limitations to enrollment:

- Only 25% of the farm acreage in each county may enroll in a Federally-funded conservation program. Some Eastern Idaho counties are at or near that ceiling.
- The federal government has set a limit on the payout any individual farmer may receive from conservation programs in any one year of \$50,000 (federal dollars only). This means that the maximum any one farmer can enroll is [redacted] acres.
- Unless ground is within a “priority area”, it must be designated as “highly erodable” to be eligible for CREP.
- CREP requires that every acre to be enrolled must have been planted at least once in the past [redacted] years. Many farmers growing alfalfa did not re-plant within that window, and are thus ineligible.
- Land must have been irrigated [redacted] out of the past [redacted] years to be enrolled in the program. In one case, acreage was not irrigated during the window of time required by CREP for eligibility because that land was included in a mitigation plan pending before IDWR. IDWR did not approve the mitigation plan, and the owner of the land would now have to irrigate to gain eligibility for CREP.

Reasons why otherwise eligible land has not been submitted for CREP enrollment:

- Value of keeping land in production is greater than the amount the CREP payments and state incentive payments.
- Farmers need to maintain large tracts to make farming economically viable, and cannot afford to put a portion of their land out of production.
- A 15 year commitment limits flexibility – anyone opting out of the CREP program must repay all benefits received (including a purchaser of CREP-enrolled acreage).
- Some may not have the correct information about eligibility, including assuming that if their land is not highly erodable, it is not eligible (exception in “priority areas”). Also, treatment of water rights for land that is enrolled in CREP may not be clear.
- Land is within a county where the combined 25% CREP/CRP cap has been reached.
- The option to graze CREP land every third year was removed, eliminating the ability to make additional income with CREP enrolled acreage.

Potential Board actions to increase the effectiveness of CREP as a tool to reduce consumptive water use from the ESPA

- Negotiate changes to the program with FSA that could increase enrollment.  
*[Stakeholders expressed the view that original negotiations between FSA and the state were very thorough, and there may not be willingness on the part of the federal government to re-open issues. Most felt, however, that the power of a united State of Idaho; via the Board, Governor’s office or Legislature; asking for changes to improve the effectiveness of the program could potentially convince the FSA to negotiate.]*

Possible negotiated modifications to the program include:

- Increase the extent of “priority areas” or redistribute this acreage among more counties to make more land that does not meet the highly-erodable designation eligible for CREP. *[Stakeholders suggested redistributing priority area acreage currently in Gooding and Jerome counties to Bonneville, Power, Jefferson, and Butte counties. Land in Gooding and Jerome counties is thought to be much higher in production value than the CREP payment amount, due in part to the number of dairies in those counties.]*

- Raise the 25% ceiling in certain counties
- Develop a protocol for dealing with land that uses both surface water and groundwater for irrigation that allows this land to enroll with certainty that water consumption from surface water will not increase.
- Increase the state incentive payments to make enrollment an economically viable alternative for those that currently qualify but have chosen not to participate.
- Examine case-specific exceptions to state enrollment criteria that could meet the spirit of the program and increase enrolled acres.
- Explore opportunities to correct misconceptions about enrollment criteria, disposition of water rights attached to enrolled land, and other program elements that may be causing confusion among potential participants.
- Investigate ways to transition temporary acreage retirement under CREP to permanent retirement (under another program) and reduce groundwater pumping past the 15 year CREP period. *[The EQUIP program was suggested as a potential mechanism.]*

#### 4.2.2 Converting Groundwater Acres to Surface Water

**Board Recommendation:** Identify specific opportunities and develop cost estimates for full or part-time conversion from ground to surface water in the CAMP process.

Several areas of the Eastern Snake River Plain which previously relied on groundwater for irrigation have converted to surface water use, and no longer pump from the aquifer. These actions have reduced depletions to groundwater resources and possibly increased incidental recharge from conveyance systems and water application to crops, but have required significant infrastructure investment. During development of the CAMP, the Board will explore the possibility of locating additional acreage currently served by groundwater which could be converted either full or part time to surface water, and examine the financial costs and aquifer benefits of these conversions.

Some considerations:

- The capacity of the existing canal systems limits the amount of water that can be delivered to converted acres at high-demand times of the growing season (especially July and August). There may be opportunities to pursue canal system modifications (on-line re-regulatory storage) or part-time surface water delivery, with reliance on groundwater during peak times.
- Without re-engineering of canal systems, stakeholders believe mainly small, location-specific conversion opportunities exist in the service areas of canal companies.
- Canal companies serving already converted acreage augment their natural flow and storage rights with water purchased from storage owned by others in order to have enough water to serve the converted acres. If new acreage was converted, canal companies would most likely have to purchase storage water to serve these tracts.  
*[Stakeholders noted that a systematic assessment of canal bottlenecks could assist in identifying problem areas where improvements could be made that could enhance the*

*feasibility of groundwater conversions. They noted that this type of an assessment should be made during the CAMP process.]*

### **4.2.3 Administrative Curtailment**

*[A number of stakeholders feel strongly that administrative curtailment should be included in the Framework as a management alternative, and discussed during the CAMP development process. They believe involuntary curtailment plays a necessary role in meeting the aquifer management goal, and as such, must be discussed during the CAMP process.]*

*Questions which may impact whether curtailment is discussed in the Framework:*

- *What is the Board's role in determining when, how and if curtailment of a junior appropriator(s) will be sought to remedy impact to a senior appropriator(s)? If the Board does not have a role, how does administrative curtailment interact with the CAMP?*
- *Could this role change when the Idaho Supreme Court finalizes its review of Judge Woods' decision?*

*Possible alternatives for Board consideration:*

- *Acknowledge in the CAMP that administrative curtailment will be used as the primary method to address shortages should the implementation of management alternatives fail to meet the goal of the CAMP, resolve outstanding calls and/or significantly reduce the number of future calls.*
- *Do not include discussion of administrative curtailment in the CAMP process.]*

## **4.3 Alternatives to Decrease Overall Demand for Water within the Eastern Snake Plain**

*[Stakeholders expressed reservations to alternatives that aim to decrease demand from the aquifer or within the Eastern Snake Plain as a whole, stating that proposing these actions amounts to a statement that no more water is available for development or economic growth. Others countered that water is available for growth through willing seller/willing buyer transactions, and added that there is no more extra or unclaimed water that can be developed.]*

### **4.3.1 Buyouts or Buy-downs, including Thousand Springs Demand Reduction**

**Board Recommendation:** Reductions in water demands in the Thousand Springs area through buyouts or buy-downs should be pursued. The CAMP will outline criteria and decision triggers for the state when deciding where to reduce demand in the Thousand Springs area and other parts of the ESPA.

Senior spring water rights, especially in the Thousand Springs area, have experienced significant decrease in flow from their decreed rights. Given all of the changes which have occurred since spring flow peaked mid-century, it is unlikely that every spring water right can be completely satisfied through aquifer improvement resulting from implementation of the Board's CAMP. Buying down select water rights, or buying out some rights and transferring remaining water to

others, may help reduce the need for these water rights holders to seek administrative remedies for their decline in supply. Outside the Thousand Springs area, similar opportunities exist to reduce the need for water rights holders to seek administrative remedies by purchasing all or part of a water right.

Buyouts or buy-downs may reduce the number of calls or provide economic relief to water rights holders experiencing shortage; however stakeholders consulted felt strongly that purchasing water rights should be viewed as a short-term, stop-gap measure, and not a substitute for management actions which may improve the long term balance between supply and demand in the ESPA.

*[Stakeholders expressed the view that buyouts or buy-downs should not be considered a solution to the overall problem, and that the Board should look at opportunities outside the springs to permanently reduce demand where appropriate. Others voiced the concern that buyouts or buy-downs would distract from the real problem of lack of balance in the aquifer.]*

#### **4.4 Cost of Management Alternatives and Expected Benefit**

Appendix C includes a table listing each management alternative discussed in this section, a range illustrating potential benefit from that alternative, and an estimate of cost. No feasibility or other studies were conducted to develop these figures – they represent the best estimates of Board staff given information currently available. These numbers will be refined as the process of developing the CAMP continues. This table is provided to illustrate the relative magnitude in both cost and benefit of each alternative recommended for consideration during the CAMP development process.

## 5.0 Funding Mechanisms

Development of the Comprehensive Aquifer Management Plan, implementation of interim management measures and implementation of management alternatives will all require substantial financial resources. Consistent with Senate Concurrent Resolution 136 that “the report should set forth a method to fund implementation of the plan,” the following section outlines various stakeholder perspectives on funding principles, funding needs, and an evaluation of funding options. While the Framework does not target specific annual funding requirements, it is anticipated that a dedicated source of funding will be required to implement the Plan, using resources from the state and contributions from ESPA water users.

In (month) 2006, the Idaho Legislature passed Resolution insert name and to provide funding for the following items: increased monitoring; measurement of groundwater levels and return flows; additional gages; outfitting groundwater wells with monitoring instruments; and refinements to the ESPA groundwater model. The legislation outlines a fee plan based on deliveries that includes Water Districts which are hydraulically connected to the ESPA, including 100, 110, 120, 130, and 140. An interim advisory committee is currently examining this monitoring funding mechanism and possible alternatives. Some have suggested modifying the funding formula by instituting a cap and accounting for conveyance losses. For the purposes of this report, it is assumed that the majority of funding needs for monitoring and groundwater model refinements have been addressed in the recent legislation. As a result, this report focuses on principles and approaches for continuing the planning process and funding the management alternatives.

### 5.1 Funding principles

Through the public input process, numerous principles that could guide the development of a funding strategy were identified. There are differences in stakeholder perspectives regarding how the aquifer should be managed and how management activities should be funded. The greatest difference of opinion concerns whether and how much the State and ESPA water users should pay for aquifer management components, and how those costs should be distributed between the two. Through the CAMP process, specific aquifer benefits and costs associated with management alternatives will be developed which will assist in understanding and support for a dedicated source of funding.

The following is a list of funding principles suggested by stakeholders during the development of the Framework. Some of these principles are mutually exclusive – they are listed here together to provide the Legislature with examples of the divergent views held by stakeholders:

- No one subset of water users should bear the entire burden of paying for management alternatives.
- The prior appropriation system should determine who is obligated to pay and who is not; for example, senior water users should not pay for impacts created by junior water users.
- The state should be responsible for addressing the funding needs required to manage the aquifer.
- The distribution of “who pays what” should be equitable.

- Some funding should come from statewide sources, and some from ESPA water users. The state should support aquifer management in the same way the federal government is supporting the CREP program – three parts state funding to one part local.
- One-time costs should be borne primarily by the state, including interim measures, the CAMP development process and buy-outs.
- Everyone who benefits from ESPA management should be part of the funding solution.
- Different funding mechanisms should be brought together to generate the necessary resources.
- Funds raised should be clearly identified for specific activities that “solve the issue” and not for activities that provide temporary fixes.
- Ensure administrative systems for collecting funds are simple and efficient.

## **5.2 Funding Needs**

Implementation of the management plan will require funding for three types of activities:

- Management alternative implementation, including CAMP development, feasibility analysis, engineering, and construction; purchase of water rights, etc.;
- Ongoing refinements to the ESPA groundwater model to support analysis for management purposes; and
- Additional funding for IDWR for ongoing monitoring and implementation of the management plan on behalf of the Board.

As noted in the beginning of this section, the majority of costs for monitoring enhancements and refinements to the groundwater model will be addressed through **insert name and date of legislation**. Numerous stakeholders raised the additional issue that IDWR does not currently have adequate resources to process water rights transfer paperwork in a timely fashion, and perform other tasks necessary for implementation of management alternatives. Some supported an examination of the additional demands that will be placed on IDWR during the development and implementation of the CAMP, and possible additional funding for the Department, to ensure that the State can act as a resource at all stages of the process.

## **5.3 Funding Options**

The following dedicated and temporary funding sources were identified through stakeholder input.

Dedicated funding sources:

- Dedicate some portion of the existing sales tax to a “water fund” to be used by IWRB where needed across the state.
- New statewide sales tax for a “water fund” to be used by IWRB for water needs across the state (suggested increase ¼ cent).
- Statewide per-head tax (one dollar per person) to be used by IWRB for water needs across the state.
- Per acre or acre-foot levy for groundwater users and surface water irrigation users for water needs in the ESPA.
- Creation of a conservancy district across the ESPA with taxing authority.

- Increase to annual property tax to build a “water fund.”
- Per well fee for domestic well users in the ESPA.
- Surcharge for municipal customers in the ESPA.
- Transferable tax credits for conservation easements.

Temporary funding sources:

- One time transfer from state government surplus or severance tax.
- Temporary per well fee for domestic well users, per acre/acre-foot levy for irrigation water users, or surcharge for municipal customers in the ESPA.

## ***5.4 Evaluation of Funding Options***

This section provides an evaluation of the funding options based on input received from stakeholders during development of the Framework. Many stakeholders strongly support development of a funding strategy that relies mainly, if not completely, on state sources of funding. This view originates in the beliefs that the Eastern Snake Plain water situation impacts the entire state, that the State helped create the “problems,” and that the entire state should be part of the solution. Others advised balancing state funding with a significant financial contribution from ESPA sources, to demonstrate a commitment to improving the health of the aquifer from those that derive direct benefits from the water.

### State Contribution

During the Framework process stakeholders supported the pursuit of state funding for one time efforts, including buyouts, conducting the CAMP development process, supplemental CREP incentive payments and interim recharge measures. Other stakeholders strongly supported full state funding for efforts to manage the ESPA, while others advocated for a state/ESPA cost share similar to the CREP program (one part state and three parts ESPA funded). There was strong support for instituting a statewide per-head tax, creation of a new statewide sales tax increase and/or dedicating a portion of the existing sales tax to a water fund as water is essential to all citizens of Idaho. General fund allocations and the use of state government surplus also appear to have significant stakeholder support.

### ESPA Contribution

The dedicated funding source that received substantial attention from stakeholders was a per-acre levy with other incentives to promote conservation. A per-acre levy allows for the use of existing billing systems and monitoring through Geographic Information Systems (GIS), which could provide administrative ease. It is also important to many stakeholders that municipal and industrial users be included in the funding stream. Funds collected would be administered by IWRB and used for management alternatives that move toward a balance of supply and use in the ESPA. While not discussed extensively, some stakeholders expressed interest in the concept of using tax credits to create conservation easements (parcels of land that would not be irrigated, but maintained for wildlife and other conservation purposes).

*[Options for Board action:*

- *Work with the Governor and Legislature during the 2007 legislative session to determine what funding principles are most acceptable to both, including the appropriate state and ESPA contribution.*
- *Recommend to the legislature funding principles regarding state and ESPA contributions, and wait for legislative feedback.*
- *Recommend and begin to pursue a dedicated source of funding including sales tax increase, per-head water tax and creation of a conservancy district.*
- *Request legislative funding for 2007/2008 to support the CAMP process and interim measures.*
- *Any combination of the options listed above.*
- *Others?]*

## 6.0 Framework Interim Measures

This section outlines interim measures to be implemented by the Board while the CAMP is being developed, as requested in Senate Concurrent Resolution 136.

### 6.1 Recharge

Stakeholders identified aquifer recharge as an activity that the Board could undertake, using existing facilities and available water, while the CAMP is being developed. The Management Alternatives Working Group (MAWG) discussed issues that affect implementation of recharge projects. Five factors determine the Board's ability to conduct recharge:

- Water Availability
  - Water available in the system
  - Ability to convey available water to recharge sites
- Water Accounting
  - Board's recharge water rights (1,200 cfs on Snake and 800 cfs on Big Wood) in priority
- Recharge Capacity
  - Capacity at dedicated recharge sites or sites suitable for recharge
  - Conveyance capacity to get water to recharge sites
- Financing
  - Funding to pay for costs of getting water to recharge sites and completing the recharge process, including monitoring
  - Funding to pay for lease/rental of water for recharge purposes, if available and permissible
- Monitoring
  - Testing of water designated for managed recharge to ensure groundwater quality will not be compromised

The Framework process generated the following suggested guidelines for immediate recharge opportunities in spring 2007:

- Use natural flow (not storage water) – spring snow melt and run-off period is the time most likely to have Board recharge rights in priority
- Perform recharge activities prior to the start of the irrigation season
- Measure water diverted and water delivered to recharge sites
- Use existing canal systems for transmission
- Deliver water to approved recharge sites or use canals for recharge

Actions required by the Board to implement recharge in spring 2007 include:

- Develop contracts with canal companies for transmission of Board water to recharge sites in advance of spring runoff
  - Issue an RFP to solicit bids from potential recharge providers
  - Contracts will provide for fixed costs and per acre-foot recharge

- Allocate Board financial resources for spring recharge costs
- Bank recharge rights to allow diversion when in priority

The average annual benefit of spring recharge is expected to be in the range of 45,000 acre-feet to 60,000 acre-feet (using natural flow and existing canal systems).

Risk factors that could potentially affect a spring 2007 recharge program, and future recharge efforts, include:

- Weather
  - Not enough snowfall in the winter means lower flows in spring
  - Freezing weather limits canal operations
- Contractual relationships
  - Contracts for diversion and transportation (or “wheeling”) of recharge water must be completed before water becomes available
- Lack of agreement over water accounting
  - Differing views of when the Board’s recharge rights are in priority could lead to lack of agreement on when the Board can divert for recharge purposes
- Measuring water
  - Limits on ability to measure water delivered to recharge site may make payment to canal companies and irrigation districts for moving recharge water difficult
  - Limited ability to measure may also make it difficult to quantify recharge benefit
- Water Quality
  - Any water quality impairments may mean intentional recharge must be halted to protect groundwater quality

For recharge beyond the spring 2007, but prior to completion of the CAMP, the Board plans to undertake the following activities:

- Using \$350,000 allocated in November 2006, examine feasibility of large-scale recharge and complete planning for two or three managed recharge sites
  - Focus on sites for recharge only
  - Examine potential of using both natural flow and leased water
  - Develop a comprehensive recharge plan, including coverage of water quality issues
- Examine opportunities to increase incidental recharge
  - Electrical brown outs or power surges require operational releases of water – how can the recharge that occurs be maximized?
  - Flood control releases – what opportunities exist to work with the Bureau of Reclamation?
  - Modification of rental pool procedures – what can be done to make leasing water to the Board more attractive for those that hold storage rights in reservoirs?
  - Late season recharge – do opportunities for recharge exist at the end of the irrigation season?

The Board also recognizes the importance of evaluating the costs and benefits of managed recharge as compared to other management alternatives, such as groundwater to surface water conversions. Monitoring and quantifying interim recharge efforts will assist the Board in making these comparisons during the development of the CAMP.

## **6.2 Conservation Reserve Enhancement Program (CREP)**

Section 4.0, Management Alternatives, provides an overview of the CREP program and current challenges to achieving the maximum program enrollment of 100,000 acres and water savings of 200,000 acre feet. As discussed in that section, the program enrollment deadline of December 2007 necessitates action by the Board within the next few months. Section 4.0 also identifies potential Board actions to increase the effectiveness of CREP. From those actions, the Board plans to undertake the following:

*[Options for Board action:*

- *Negotiate with FSA for the following program changes:*
  - *Increase the extent of “priority areas” in Bonneville, Power, Jefferson, and Butte counties, or redistribute priority area acreage to those counties from Gooding and Jerome counties*
  - *Raise the enrollment ceiling of 25% of total cropland in any one county in Bonneville, Power, Jefferson, and Butte counties.*
- *Work with IDWR to develop a protocol for dealing with land that uses both surface water and groundwater for irrigation that allows this land to enroll with certainty that water consumption from surface water will not increase.*
- *Seek resources for an increase in state incentive payments of \$ [redacted] per acre to make enrollment an economically attractive alternative for those that currently qualify but have chosen not to participate.*
- *Work with IDWR to examine case-specific exceptions to state enrollment criteria that could meet the intent of the program and increase enrolled acres.*
- *With IDWR, explore opportunities to correct misconceptions about enrollment criteria, disposition of water rights attached to enrolled land, and other program elements that may be causing confusion among potential participants.]*

## **6.3 Data Collection and Monitoring**

In (month) 2006, the Idaho Legislature passed Resolution [insert name] to provide funding for the following items: increased monitoring; measurement of groundwater levels and return flows; additional gages; outfitting groundwater wells with monitoring instruments; and refinements to the ESPA groundwater model. This legislation is discussed in more detail in Section \_\_ of this report (Funding Strategies). The Board proposes no additional actions to enhance data collection and monitoring in the interim, however suggests that the CAMP development process review this issue to determine if additional activities are needed as a part of the Plan.

## **6.4 Groundwater Model**

IDWR currently facilitates a committee of expert modelers representing different stakeholder groups that discuss improvements to the ESPA Groundwater Model, which the Department uses for both administrative and planning purposes. The Board will coordinate with IDWR and this committee to ensure availability of the model for analysis of management alternatives during the CAMP development process. The modeling committee will continue to operate separately of the CAMP process, due to the multiple driving factors behind improvements to the model.

## 7.0 Approaches to Mitigation

*[This section is included in the Framework because the concept of mitigation credits was raised by several stakeholders as an idea that merits further exploration. The Board can choose whether to leave this section in, modify it, or remove it in its entirety.]*

Most stakeholders in the ESPA are familiar with mitigation as an activity undertaken when water rights call by senior appropriator(s) has been made and administrative curtailment of junior appropriator(s) is required. In this context, a mitigation plan approved by IDWR allows the junior appropriator(s) participating in the plan to avoid curtailment.

This section discusses mitigation in a slightly different context – as a system that allows for pro-active rather than re-active actions to benefit the aquifer. The party implementing these actions receives credit that can be held, traded, and used as a whole or partial substitute for an administratively required mitigation plan.

Stakeholders articulated a number of ideas for potential discussion in the CAMP development process regarding mitigation:

- The CAMP could provide a process through which stakeholders define activities which earn “credit” in a mitigation bank, and how much credit each activity earns.
- Pro-active mitigation activities might require a definition of how much mitigation is necessary under administrative rules – amount of impact (however defined) or amount of diversion?
- Mitigation banking can provide insurance (whole or partial) to participants against a call – some referred to this as a “safe harbor”.
- Credits could be exchanged on a willing seller/willing buyer basis.
- A mitigation banking system could create financial incentives to engage in recharge activities for those able to undertake these activities voluntarily.
- Many entities are operating in a manner that results in significant incidental recharge – establishing mitigation credits could be another way of providing incentives for them to keep engaging in these activities (and not line their canals, change existing irrigation practices, etc.).

*[Options for Board action if this section is included in the Framework:*

- *Recommend exploration of a mitigation credit/banking system as a part of the CAMP process, closely coordinated with IDWR*
- *Other?]*

## 8.0 Implementation and Next Steps

During the Framework process, stakeholders raised implementation of the recommendations in the Framework as a key factor in generating support for the CAMP process and funding strategies. This section outlines how the interim measures identified earlier in the document will be implemented, and sets forth recommendations for the structure of the CAMP process, provided by the Facilitation Team.

### 8.1 Implementing Interim Measures

Two of the interim measures identified in Section 6.0 require planning to ensure timely and effective implementation – recharge activities prior to the irrigation season in 2007, and changes to the CREP program to increase enrollment.

*[Questions for the Board and Staff: The goal of this section is to spell out how the Board will ensure the interim activities will be implemented. Here are a few questions, and we look forward to your thoughts.*

- *Recharge: Who is responsible for ensuring all of the actions listed (in the Interim Measures section) are taken? We're assuming Board Staff, accountable to the Board. Is that correct?*
- *Recharge: How can stakeholders provide feedback on how recharge progresses in spring 2007? Who will handle communication with the public to ensure that people know what's going on, and begin the education process (example: why flood discharges don't automatically mean recharge should occur)?*
- *CREP: Who will lead the charge on working with FSA to explore changes? Does this message need to come to FSA from the entire State via the Governor or Legislature?*
- *CREP: Who will be responsible for taking a look at the other changes? Will this be an item on the Board's next meeting agenda?*
- *CREP: Who will handle communication with the public, to communicate current eligibility requirements, and any changes that are made? Will other organizations (IGWA) be involved in this process?*
- *Both: How will requests of the Legislature (more funding for CREP incentive payments, for example) be handled?]*

### 8.2 Strategy and Timeline for Developing the Comprehensive Aquifer Management Plan

#### 8.2.1 Strategic Considerations

The Facilitation Team based its recommendations to the Board concerning the CAMP process on the following strategic considerations:

- **People support what they helped create.** Meaningful public involvement in the development of the CAMP will help ensure that the end product is supported by those affected by water challenges in the ESPA – a critical element for successful implementation (and support of funding strategies).

- **Stakeholders want results they can see.** The Legislature asked the Board to undertake the Framework process because of the number and severity of the water challenges faced in the Eastern Snake Plain. It is important that the CAMP process move quickly and generate actionable recommendations for the Board to begin to improve the situation.
- **ESPA issues are technically complex.** The water challenges faced on the Eastern Snake Plain are complex, and affect a significant percentage of those who live and work in the region, as well as the rest of the State.

### 8.2.2 Recommended Process

The Facilitation Team recommends that the Board establish an ESPA Comprehensive Aquifer Management Plan Advisory Committee (CAMP Advisory Committee), *[with no more than (number) members selected from among the stakeholders in the ESPA.] [We would like to discuss the benefits and drawbacks to various Committee sizes during the Board meeting and get your views.]* This committee will make recommendations to the Board on the elements of the CAMP, working closely with Board staff.

The Board will select the Committee from nominations received from Stakeholders, using a process to be determined by the Board. Because the Committee represents the primary method of stakeholder involvement in the CAMP process, all interest groups should be represented on the membership. The Board will seek committee members who represent the following general interests:

- Municipalities
- Non-agricultural water-dependant business
- Agricultural business (processors, equipment providers, dairies, bankers, etc.)
- Land developers (residential)
- Canal companies
- Water districts
- Irrigation Districts
- Surface water users
- Groundwater users
- Domestic well owners
- *[Other interests?]*

In addition, the Board will seek members from the following State and Federal Government interests:

- Bureau of Reclamation
- Idaho Department of Water Resources
- Idaho Department of Environmental Quality
- Idaho Department of Fish and Game
- Idaho Legislature and Governor's office

*[Options for participation of state and federal government agencies:]*

- *Make agency representatives full members of the committee, with participation in decision-making.*
- *Make agency representatives ex-officio members of the committee, without participation in decision-making but with participation as a full member in discussions.*
- *Have agency representatives participate as observers only.*

*Some considerations: Full participation by state and federal agency representatives often requires that the individual either a) be a very senior member of the organization (which can cause schedule conflicts) or b) have the full support of a very senior member of the organization. If the individual doesn't meet these criteria, she/he is often unable to voice the opinion of their organization without checking with someone else, which can slow down the decision-making process. Additionally, not having agencies represented on the Committee may mean decisions are reached which contradict important state and federal policies or regulations, or which the agencies cannot support for other reasons.]*

The Facilitation Team recommends that the Committee have a standing Technical Working Group dedicated to addressing substantive technical questions put to it by the Committee. This working group will be formed by the Committee once it is assembled, in a manner determined by the Committee, and may include consultants and technical professionals not on the Committee. The Technical Working Group will not duplicate the work of the ESPA Groundwater Modeling committee managed by IDWR.

### **8.2.3 Advisory Committee Tasks**

The following tasks will be performed by the Committee (roughly in chronological order):

- Establish a Charter which addresses the following issues, among others:
  - Meetings. How often will meetings be conducted? What are ground rules for participation? Where will meetings be held? How will the public participate in meetings?
  - Interaction with the Board. How will the Committee communicate with the Board? Through liaisons from the Board, and regular reports at Board meetings?
  - Working groups. What additional working groups will be established? What are the guidelines for these groups?
  - Decision making. What decision-making rules will the committee use to determine what recommendations are made to the Board?
- Develop a work plan that sets forth how and when the Committee will address the elements of this Framework and make recommendations on the contents of the CAMP, including opportunities for public involvement.
- Establish the Technical Working Group.
- Address management alternatives and other items in the Framework and develop detailed questions for the Technical Working Group, following the work plan.
- Make decisions on recommendations to the Board – management alternatives to pursue, funding strategies, implementation measures, etc.

Other issues the Committee could choose to address:

- Institutional structure for implementation and monitoring of the Plan

- What organizations are currently in place in the basin and how do they function? (water districts, groundwater districts, canal companies, etc.)
- Do the right organizations exist to implement the management alternatives, monitor progress, and collect fees (if any)?

## 8.2.4 Schedule and Budget

The following 16-month schedule assumes that the Board starts the process of soliciting nominations immediately following the approval of the Framework by the Legislature (estimated in April). The schedule includes one meeting per month of the Advisory Committee and two per month of the Technical Working Group, and shows anticipated cost items. *[A detailed budget for this process will be developed once the following assumptions are reviewed with the Board.]*

*[Budget assumptions for the Board to review: A budget estimate follows the schedule, and was developed based on the following assumptions:*

- *Advisory Committee meetings will be held in various locations on the Eastern Snake Plain, in meeting facilities that are paid for by the State or available at no charge. Public meetings will be held in facilities rented by the State, and the State will assume other costs related to these meetings.*
- *What is the role of the state with respect to reimbursement for advisory group members? Observers and state and federal government agencies will likely attend at their own expense or the expense of their organization. Other states establishing similar committees have chosen to pay travel costs of members serving on the committee, and some have not.*
- *The State will engage the services of a professional facilitation team to perform the following tasks:*
  - *Develop agendas for the Advisory Committee meetings*
  - *Facilitate Advisory Committee meetings*
  - *Record Committee discussions and decisions*
  - *Communicate with committee members between meetings*
  - *Act as a point of contact for inquiries from the general public regarding the CAMP process*
  - *Organize and facilitate public meetings and other public involvement efforts*
  - *Other tasks requested by the Board*
- *[Board options for compensating those serving on the Technical Working Group are given below. The first option would reduce the funding requirements for this process, but would make technical working group members directly accountable to the individual stakeholder(s) they represent. The second and third options would cost more money, and address the issue of impartiality by making the working group members accountable to the entire committee.*
  - *Members of the technical working group will be paid for their professional services by the organization that nominated them to serve on the committee. No travel, lodging or per-diem expenses will be paid.*
  - *Members of the technical working group will be paid for their professional services by the State of Idaho, and will receive travel, lodging and per-diem compensation.*

- *Members of the technical working group will be compensated for their professional services and travel expenses from a pool established for this purpose when the working group is formed that will be partially funded by the State and partially funded by Stakeholder groups.]*

## CAMP Process Schedule

Month	Tasks	Costs
<b>March 2007</b>	<ul style="list-style-type: none"> <li>• Board finalizes general interest groups, number of committee members, committee member criteria, nomination process and evaluation process</li> <li>• Board solicits nominations for Committee members from Stakeholders</li> <li>• Board meeting</li> <li>• Legislature reviews and approves Framework</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>April 2007</b>	<ul style="list-style-type: none"> <li>• Legislature appropriates funding for CAMP Process</li> <li>• Board forms Advisory Committee and contracts for facilitation services</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitation services</li> </ul>
<b>May 2007</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #1</li> <li>• Technical Working Group formed</li> <li>• Board meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Facilitation services</li> </ul>
<b>June 2007</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #2</li> <li>• Technical Working Group holds first meeting</li> <li>• Public Meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>
<b>July 2007</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #3</li> <li>• Two Technical Working Group meetings</li> <li>• Board meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>
<b>August 2007</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #4</li> <li>• Two Technical Working Group meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>
<b>September 2007</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #5</li> <li>• Two Technical Working Group meetings</li> <li>• Board meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>
<b>October 2007</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #6</li> <li>• Two Technical Working Group meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>
<b>November 2007</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #7</li> <li>• Two Technical Working Group meetings</li> <li>• Public Meetings</li> <li>• Board meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>
<b>December 2007</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #8</li> <li>• Two Technical Working Group meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>
<b>January 2008</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #9</li> <li>• Two Technical Working Group meetings</li> <li>• Board meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>
<b>February 2008</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #10</li> <li>• Two Technical Working Group meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>

<b>March 2008</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #11</li> <li>• Two Technical Working Group meetings</li> <li>• Public Meetings</li> <li>• Board meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>
<b>April 2008</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #12</li> <li>• Two Technical Working Group meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>
<b>May 2008</b>	<ul style="list-style-type: none"> <li>• Advisory Committee meeting #13</li> <li>• Technical Working Group meeting</li> <li>• Board meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>
<b>June 2008</b>	<ul style="list-style-type: none"> <li>• Final Advisory Committee meeting #14</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting costs</li> <li>• Technical support</li> <li>• Facilitation services</li> </ul>

*[A budget estimate for the process outlined above will be inserted here once feedback is received from the Board.]*

## Appendix A – ESPA Overview

## Appendix B -

## Appendix C – Overview of Management Alternatives