

October 8, 2007

**Memorandum of Agreement
for
Maintenance and Utilization of the Numerical Model
of the
Spokane Valley-Rathdrum Prairie Aquifer,
between
Idaho Department of Water Resources
and
Washington Department of Ecology**

Introduction And Objectives

The Spokane Valley - Rathdrum Prairie (SVRP) aquifer is the sole source of drinking water for more than 500,000 residents in portions of Spokane County, Washington, and Bonner and Kootenai counties, Idaho (Figure 1, located at back of document). All counties are growing rapidly. Recent projections of urban, suburban, industrial, and commercial growth in the metropolitan area of these counties has raised concerns about potential future impacts on water availability and water quality in the SVRP aquifer, in the Spokane and Little Spokane rivers, and in area lakes.

The Idaho Department of Water Resources (IDWR) and the Washington Department of Ecology (Ecology) are responsible to administer ground and surface water supplies and availability determinations in their respective portions of the SVRP aquifer.

Water resource concerns have been expressed by a wide spectrum of interest groups in the SVRP aquifer area to IDWR, Ecology and local governments. Common concerns include growing demands on ground water and sustainability of the resource, low stream flow in reaches of the Spokane and Little Spokane rivers, and water quality problems associated with changing land use activities and growth. Local governments are increasingly called upon to consider water quantity and quality implications in land use planning and zoning decisions. Regionally, nearly all entities involved express the fundamental precept that water in our lakes, rivers, and aquifer is key to our economy and quality of life.

In an effort to provide a scientifically credible description of geological and hydrogeological framework to decision makers, IDWR and Ecology, together with the United States Geological Survey, entered into a memorandum of understanding in 2003. That memorandum guided a joint study to support and construct a numerical ground water flow model of the SVRP Aquifer. That model, now complete, represents the best current knowledge of the ground water flow system and the degree of connection with surface water aquifer-wide.

Water administration and management decisions are responsibilities of IDWR and Ecology, assigned legislatively by the respective States. The purpose of this Memorandum of Agreement is to establish a collaborative framework to preserve and

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maintain the numerical model as a scientifically defensible management tool, so that it can guide IDWR and Ecology in those required water administration and management decisions. This agreement in no way supercedes state authorities.

Pursuant to the purpose of this Memorandum, IDWR and Ecology agree to form a Spokane Valley-Rathdrum Prairie (SVRP) Modeling Committee to perform, review and provide oversight for activities under this Memorandum of Agreement as follows:

1. Duties of the Modeling Committee

a. Preserve the master copy(s) of the Model and associated documentation

The committee shall establish procedures for preservation of the Model and associated documentation to ensure the most current version of the Model is available, and that any and all changes to the Model are documented and tracked. The committee shall archive and preserve all versions of the model and associated documentation throughout the life of this agreement.

b. Establish approved protocols for uses of the Model by signatories

The committee shall establish such protocols as it deems necessary to ensure that model use in management decision-making, region wide, is consistent with the model capability.

c. Develop enhancements to the Model

The committee shall establish and observe such protocols and procedures as necessary to facilitate updates and enhancements to the model. Those protocols and procedures shall include, but not be limited to:

- i. Defining data needs, data collection strategies and recalibration requirements
- ii. Identifying resources needed for enhancements, updates, data collection, etc.
- iii. Establishing direction of research for model improvement
- iv. Tracking documentation of changes to model
- v. Approving final changes to model
- vi. Incorporating enhancements and updates of the model

d. Distribute model revisions and enhancements through a publicly-available mechanism

The committee shall establish protocols and procedures as necessary to ensure the most recent version is available to the public, local government, and other agencies in a manner consistent with applicable public disclosure laws, and contractual obligations.

2. Management structure

The SVRP Modeling Committee is structured as follows:

a. Composition

The SVRP Modeling Committee consists of two representatives from each agency, appointed by the respective agency directors. Alternates may also be appointed.

- i. Other advisory and ex-officio members may be appointed and serve as needed and agreed upon by the Committee. Advisory recommendations may be sought from such members, but are not binding on the Committee. Broad input is desired from regional interests, but authority for water management remains with the respective states.
- ii. The SVRP Modeling Committee shall share information and activities related to water management of the Spokane Valley-Rathdrum Prairie Aquifer, the Spokane and Little Spokane rivers, and other area surface water as it sees fit.

b. Duties of the SVRP Modeling Committee:

- i. Meet on a semi-annual basis except when more frequent meetings are agreed upon;
- ii. Work to amicably resolve conflicts as deemed appropriate by agency directors;
- iii. Solicit technical or local policy advice as necessary;
- iv. Ensure compliance with state and federal laws and rules governing public disclosure and funding; and
- v. Establish a process to share and publish data, model revisions, and enhancements.

c. Costs of the SVRP Modeling Committee

- i. The states of Idaho and Washington, each bearing their own costs, will provide representatives to the Committee.
- ii. Funding from non-signatory agencies can be applied to costs of representation if available, consistent with applicable law.

d. Joint funding of activities

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The states of Idaho and Washington commit to pursue equal project funding and in-kind support for model related activities. In the event equal contribution is impracticable or unobtainable, the SVRP Modeling Committee shall decide what activities constitute equitable distribution of effort. This clause is intended to provide flexibility to the committee in uncertain fiscal environments.

e. Dispute Resolution

If the committee is unable to resolve a modeling issue, the directors of IDWR and Ecology will make the final decision.

f. Public records and disclosure

All meetings of the SVRP Modeling Committee shall be documented by informal notes, and the final notes published by each agency member in accordance with their respective public disclosure laws. Each agency member shall be responsible for maintaining their own repositories for such notes and minutes, as they are required.

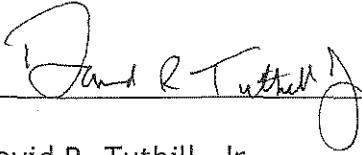
3. Authorities and Responsibilities

- a. Idaho Code I.C. § 42-231, § 42-1706, §42-1734, and §42-1805, provide authority to the director of the Idaho Department of Water Resources to conduct hydrologic studies and cooperate with other state agencies in water studies, planning and research. RCW 90.54.030 directs the Water Resources Program in the Washington Department of Ecology to collect, organize, and catalog existing hydrologic information from all public and private sources, and to conduct additional studies necessary to become informed with regard to all phases of water and related resources of the state.
- b. Although this Memorandum of Agreement sets forth a collaborative process, the signatories to this Memorandum of Agreement recognize that they each have statutory responsibilities that cannot be delegated, and that this Memorandum of Agreement does not and is not intended to abrogate any of their statutory responsibilities.
- c. This Memorandum of Agreement is subject to and is intended to be consistent with all applicable federal and state laws and interstate compacts and decrees.
- d. No member shall receive any benefit that may arise from this Memorandum of Agreement.
- e. This agreement is effective upon signature of directors of both agencies and accomplishment of such filing notice or approval requirements as may

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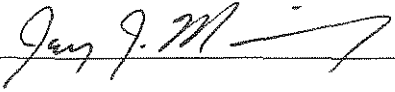
be necessary. This agreement will remain in effect until 60 days following written notice of termination from either party.

- f. The parties to this agreement hereby agree to arrange meetings between the agency senior staff to collaborate on water-management issues including the groundwater model. Such meetings will be on an annual, or as-needed basis.



10/26/07
Date

David R. Tuthill, Jr.
Director
Idaho Department of Water Resources



10/9/07
Date

Jay Manning
Director
Washington Department of Ecology