



June 4th Meeting Summary For the Rathdrum Prairie Comprehensive Aquifer Management Plan Advisory Committee

On June 4, 2010, the Rathdrum Prairie CAMP Advisory Committee met in the Community Room in the Coeur d'Alene Public Library. The objectives of this meeting were to

1. Presentation and discussion on growth and meeting future water needs.
2. Review written summaries of our water quality work from the April and May meetings and refine as needed.
3. Develop, refine and seek preliminary agreement goals/action items/potential recommendations regarding conflict prevention, interstate issues, and multijurisdictional issues. *(Due to the lengthy and productive discussion following the future water needs presentation, this goal has been moved to the next meeting.)*
4. Update of Allan Wylie data on monthly flow figures

List of Participants

Phil Cernera
Bruce Cyr
Bruce Howard
Allen Isaacson

Hal Keever
Paul Klatt
Jim Markley
Michael Neher

Todd Tondee
Ron Wilson
Ken Windram
Dale Peck for Chris Beck

Review the Framework for CAMP Recommendations and Previous Work on Water Quality

The Advisory Committee reviewed the Framework for CAMP Recommendations and had no changes for that framework at the moment. The Committee may decide to add other issues to the framework or structure their recommendations differently as the process progresses, but those present at this meeting found the framework structure still provides an effective foundation for CAMP recommendations. The Advisory Committee will continue to review the Framework until drafting of recommendations is complete.

The Advisory Committee discussed the water quality work that has occurred up to this point. The Facilitation Team drafted a section for water quality based on discussions at a previous Advisory Committee meeting and the framework for recommendations. The Advisory Committee made several changes and provided direction for a subgroup from within the Committee that will continue to refine the document before it is presented to the entire Advisory Committee again for further review.

The water quality subgroup that will undertake further revisions to the next draft of the water quality section are Phil Cernera, Mike Galante, Allen Isaacson, Alan Miller, Bruce Cyr, and Paul Klatt. Other Committee members who would like to participate in this group should notify Daisy Patterson (daisy@cnrep.org).

Meeting Future Water Needs

Gary Spackman, IDWR interim director, addressed the Advisory Committee to share an underutilized legislative tool called the Reasonably Anticipated Future Needs Water Rights. Spackman was concerned that the Committee members might not be aware of this particular tool and how it might be relevant to the Rathdrum Prairie.

In 1996, Idaho legislature passed the Municipal Water Act, which established the ability for municipal providers to appropriate water or take existing water rights for future use – without having to establish current beneficial use. This was called the Reasonably Anticipated Future Needs Water Right (“RAFN”). The RAFN water right allowed providers to propose longer development periods within the established standards and tests and appropriate water for a longer period of time in a permit process. This extended potential appropriation beyond 10 years. A RAFN water right protects that water under state law.

Municipal providers are defined in three categories. A “municipality” includes actual municipalities as well as county, university, or state entities. A “public utility” is exemplified by Black Rock Utilities, Circle Bar S. The third category refers to non-profit associations regulated by DEQ, such as Dalton Irrigation District or a system run by a homeowner’s association.

Spackman told a story about two cities that applied for RAFN water rights. One city applied for a RAFN water right with a 60-year planning horizon for a very large appropriation of water. Many of the surrounding communities (and others throughout the state) anticipated a “water grab” and opposed the project. Another municipality applied for a RAFN water right with a 20-year horizon and the general support of the neighboring communities. The application was approved without much fanfare.

Spackman’s story illustrated an opportunity for Rathdrum Prairie providers to come together and apply for a RAFN as individuals who have highly coordinated planning horizons with one another (thereby increasing the potential success of each of the individual applications).

One Advisory Committee member asked what happens to the RAFN water right if a municipality never needs to develop it. The answer is that the applicant continues to hold the right for the extent of the planning horizon. There is a prohibition to marketing and speculation, but that prohibition may not be very restrictive; that water right may hold some value.

The public policy aspect of the RAFN is that municipalities should be able to plan for growth and expand their current systems in which they are heavily invested. The Advisory Committee will continue to talk about the potential to make recommendations in regards to the RAFN water right.

State use of the RAFN. The State of Idaho can not apply for a RAFN right that creates a pool that other entities could draw from in the future. The IWRB would not qualify as a provider at the time of the application. The IWRB is not putting together any planning horizon.

Utilization of the Future Demand Study. The Future Demand Study may provide the necessary documentation to determine future needs. That documentation could be for assessing technical or planning horizon issues.

Counties as Municipalities. Even though counties seem out of place with the other examples of qualifying municipalities, the reasoning was that there were a few counties that own and operate drinking water systems. Counties could not be excluded.

Priority Dates. The purpose of the RAFN is to establish a date that the provider entity can rely on. The date of the water right is the date of the application filing if that application is eventually approved.

Qualifying Providers. The Committee discussed potential qualifying providers from the Rathdrum Prairie. Beyond the current providers (districts and municipalities), there may be others who would be interested in applying for a RAFN water right: reuse proponents, Avista, other commercial/industrial uses. The Committee might suggest that purveyors coordinate and collaborate in long range planning processes to address all of the long-term Rathdrum future needs through RAFN.

Allan Wylie's New Model Runs

The Advisory Committee asked Allan Wylie to perform model runs using the data from the Future Demand Study to provide month-by-month projections for water use. Please see Wylie's PowerPoint presentation and memo which will be available on the IDWR website before the next meeting. Wylie's presentation provided several helpful details for the Advisory Committee.

This model run has the highest pumping in June and the most significant impact to the Spokane River occurs in September. This indicates a three-month lag between water use and aquifer indicators that reflect that use. The impact doesn't peak in a significant way – it is a rounded curve. Allan applied the current amplitude to the future demand (the 2005 curve was applied to 2060).

Allan's numbers show that the difference in impact of growth in Idaho on the Spokane River flow at the Spokane gauge between 2005 and 2060 was 31 CFS. That means that in 2060, the Spokane River will have (roughly) 31 CFS less water at the Spokane gauge. The actual level may vary greatly (there may be more or less depending on management in Washington, as well as actual growth and conservation in Idaho), but the model currently predicts that there will be at least 31 CFS less and that is solely attributed to Idaho's growth.

The Advisory Committee discussed many options to recoup that 31 CFS: dams, reservoirs, moving pumping, raise the lake level by a tenth of a foot. The Advisory Committee did not come to any conclusions on what it would like to recommend regarding the 31 CFS, but one member suggested that Idaho and Washington should take a look at the collective impacts of growth and assess solutions to address that impact, collaboratively.

Other Committee members point out that there are several variables that might get the 31 CFS to the gauge when it needs to get there – climate change or less growth (1000 families instead of the 1600 that the model assumes). The Committee asked, “Where are the big ticket items?” Some thought conservation was one of the most efficient ways to acquire that 31 CFS, and that conservation was the “big ticket item.”

One Advisory Committee member pointed out that 30-31 CFS is probably within the modeling margin of error, so it is possible that there is not a problem. On the other hand it is also possible that the impact could be larger.

Whether or not there is a problem, an Advisory Committee member suggested that the Rathdrum Communities aim for zero impact from growth. The Committee continued the discussion options and decided that off-channel storage or conservation may be methods to achieve that zero impact.

Other Committee members suggested that moving pumping further north, or away from the river, could make up the 31 CFS. This would affect the timing of the peak impact on the Spokane River but is at a much higher cost than other options like conservation.

Pumping near the river in a losing reach (i.e. by Barker road) lowers the aquifer water level, but doesn’t impact river leakage where the river is perched. However, the pumps are closer to the hydraulically connected reaches of the river, so the impact is realized in the river sooner.

A potential recommendation from the Advisory Committee was that IDWR develop a strategy that anticipates a claim from Washington on water in the state of Idaho. Idaho would agree with Washington’s claim that Idaho growth has a demonstrable impact on the Spokane River flow at the Spokane gauge. Idaho would say that Washington has a bigger impact.

Idaho needs a mark in time or a specific goal that can’t be influenced by management actions in Washington. Meaning, the Advisory Committee would like a goal that is not a moving target (if Idaho conserves water or meets that goal in some other way, the onus would then be on Washington to create a similar goal and take their own steps to meet their own goal). It is not as simple as putting a gauge in the river on the Idaho side and measuring there because the river is perched on the Idaho side. Any marker there would not indicate what is happening in the aquifer below.

Part of the discussion centered on how one could define the relationship of actions in Idaho and potential outcomes in Washington, specifically at the Spokane gauge. Allan Wylie said that $\frac{3}{4}$ of a gallon conserved in Idaho ends up at the Spokane gauge. It is not a one-to-one exchange: a gallon in Idaho does not equal a gallon in Washington at the Spokane gauge.

First Public Comment Period

During the first public comment period, Jennifer Eckstrom from the Pend Orielle Waterkeepers stated that mandatory conservation needs to be implemented before exploring pumping from Lake Pend Orielle. Jennifer also stated that the water use mindset

needs to be shifted to encourage more conservation to help this community deal with the water shortages that occur during peak water use months. The Committee is in a prime place to help instigate the paradigm shift.

Jennifer suggested that constraints on new development need to be created, and she pointed out that there will be serious opposition to pumping water from Lake Pend Orielle without implementing serious conservation efforts. Jennifer reminded the Committee that (1) engineered solutions sometimes fail and (2) it is difficult to anticipate all of the problems involved when attempting to enhance natural systems with engineered solutions.

Second Public Comment Period

Bill Irving, president of the Rathdrum Chapter of the Climate Action Network, stated that climate change hasn't produced significant impacts that are noticeable on a day-to-day basis. He thanked IDWR for contracting with Boise State to provide good data using cutting edge technology for the upcoming CAMP climate change study.

Irving said that human activities are driving climate change and that many organizations and studies say this. Irving pointed out that the human impact on climate is 10,000 times greater than natural variability and we are rapidly driving climate to a bad place that may be irreversible.

Lastly, Bill Irving said that he appreciates the commitment to the process and the quality of work being done on the Advisory Committee.

Workplan and Next meetings

The Committee decided that the next agenda needs to include (1) a discussion on the conflict prevention section; (2) presentation from the climate change study team; and (3) further discussion of how the RAFN water rights might be incorporated into a CAMP recommendation.

The next scheduled meeting date is July 19, and there is no August meeting scheduled. The Facilitation Team will explore potential September dates through an online survey in case the Committee decides in July that they would like to meet in September.