

# Memorandum



To: Idaho Water Resource Board Water Resource Planning Committee  
From: Helen Harrington  
Re: Idaho State Water Plan Revision Process  
Date: May 8, 2013

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The IWRB formally adopted and submitted the 2012 Comprehensive State Water Plan to the Idaho Legislature during the recent legislative session. The Plan had not been revised since 1996. The IWRB conducted 40 public meetings over a period of 5 years in order to address the changing landscape of water in Idaho and incorporate public comment and review. Many of the 1996 policies underwent significant revisions and new policies were added to the Plan. During the recent legislative session, it became clear that a more dynamic approach to keeping the Plan current is needed. I recommend developing a process for ongoing review of individual policies, consideration of revisions, and more frequent communication with the Idaho Legislature. The recommended process would include:

- More frequent review and updating (if necessary) of individual policies
- More frequent communication and education about the SWP with the legislature
- A formalized protocol and schedule for ongoing SWP review, including all necessary statutory actions

Ongoing revision of one or more of the Plan's policies allows the IWRB to be responsive to changing conditions. With a standard process formally adopted by the IWRB, the public will have assurance that the plan is current and integrates social conditions, new technology and resource conditions. This process will also provide clear expectations and a formal structure for the review and revision of the Plan.

The proposed process will require a change in the format of the Plan. Rather than it being a single plan with a specific year of adoption, each policy will reflect an adoption date along with a review date (if at review, no revisions were recommended). This would allow for accurate tracking of individual policy review at no more than every five years. This is similar to the process for adoption of state agency rules, in which changes made to specific sections of the rules are dated.

## Other Areas to Consider

### 1. Part A/Part B Clarification

Idaho Code 42-1734A describes the comprehensive state water plan as consisting of two parts.

- A. Part A is "statewide policies, goals and objectives; and
- B. Part B is "component water plans for individual waterways, river basins, drainage areas, river reaches, ground water aquifers or other geographic designations.

Originally, the comprehensive state water plan was designed as a single set of policies. In 1988, Idaho Code was amended to add the Part B component. Since the first state water plan was adopted in 1976, there have been both statewide and basin-specific policies included in what is now described as Part A. The recent review process emphasized the confusion between Part A and Part B because the basin-specific policies may be construed as Part B elements.

As we better understand the water-related issues unique to individual basins, it may be more useful to revise and adopt as Part B plans, the basin-specific policies in the 2012 State Water Plan, with some modification. The Part B basin plans would be divided as follows:

1. Snake River Basin Above Milner Dam
2. Snake River Basin – Milner Dam to Swan Falls Dam
3. Snake River Basin Below Swan Falls Dam
4. Panhandle Basins
5. Salmon-Clearwater Basins
6. Bear River Basin

This approach would allow for the integration of existing Part B Plans into the appropriate basin. Comprehensive Aquifer Management Plans (CAMPs) would also be incorporated into this structure. A map of the current Part B plans is attached.

## 2. Sustainability Policy

The IWRB was tasked by Governor Otter to develop a policy for the sustainability of Idaho's water resources. The development of this policy was delayed until the appointment of new Board members in early 2013. With the new Board members in place, the time is ripe for discussion of how to move forward with this policy development.

### Proposed Review/Revision Schedule

This process would be continual, with generally an annual cycle, with complex policy issues extending into multiple cycles.

<b>December-February</b>	<b>Water Resource Planning (WRP) Committee</b> <i>Begin review of select policies identified internally or by others to consider for revision. All policies should be reviewed at least every 5 year if not needed more frequently</i>
<b>March</b>	<b>IWRB</b> <i>Committee will bring recommended revisions to the full Board for consideration</i>
<b>May</b>	<b>IWRB</b> <i>Board will finalize approval to move forward with proposed revisions</i>
<b>May-June</b>	<b>Chairman/Staff</b> <i>Hold meetings with selected interested parties (Legislative Committee Chairmen, IWUA, others) for comment</i>
<b>July</b>	<b>Chairman</b> <i>Present to Interim Natural Resources Committee; request input for policies to review during next cycle</i>
<b>August-September</b>	<b>Statutory Public Comment Period/Hearings</b> <i>Minimum 60-day period</i>
<b>October</b>	<b>WRP Committee</b> <i>Review and propose revisions for full Board consideration</i>
<b>November</b>	<b>IWRB</b> <i>Consider adoption of proposed revisions</i>
<b>Legislative Session</b>	<b>Chairman</b> <i>Presentation at hearings of the germane committees regarding IWRB activities, including SWP revision process, including anticipated policies to be reviewed in the upcoming cycle</i>

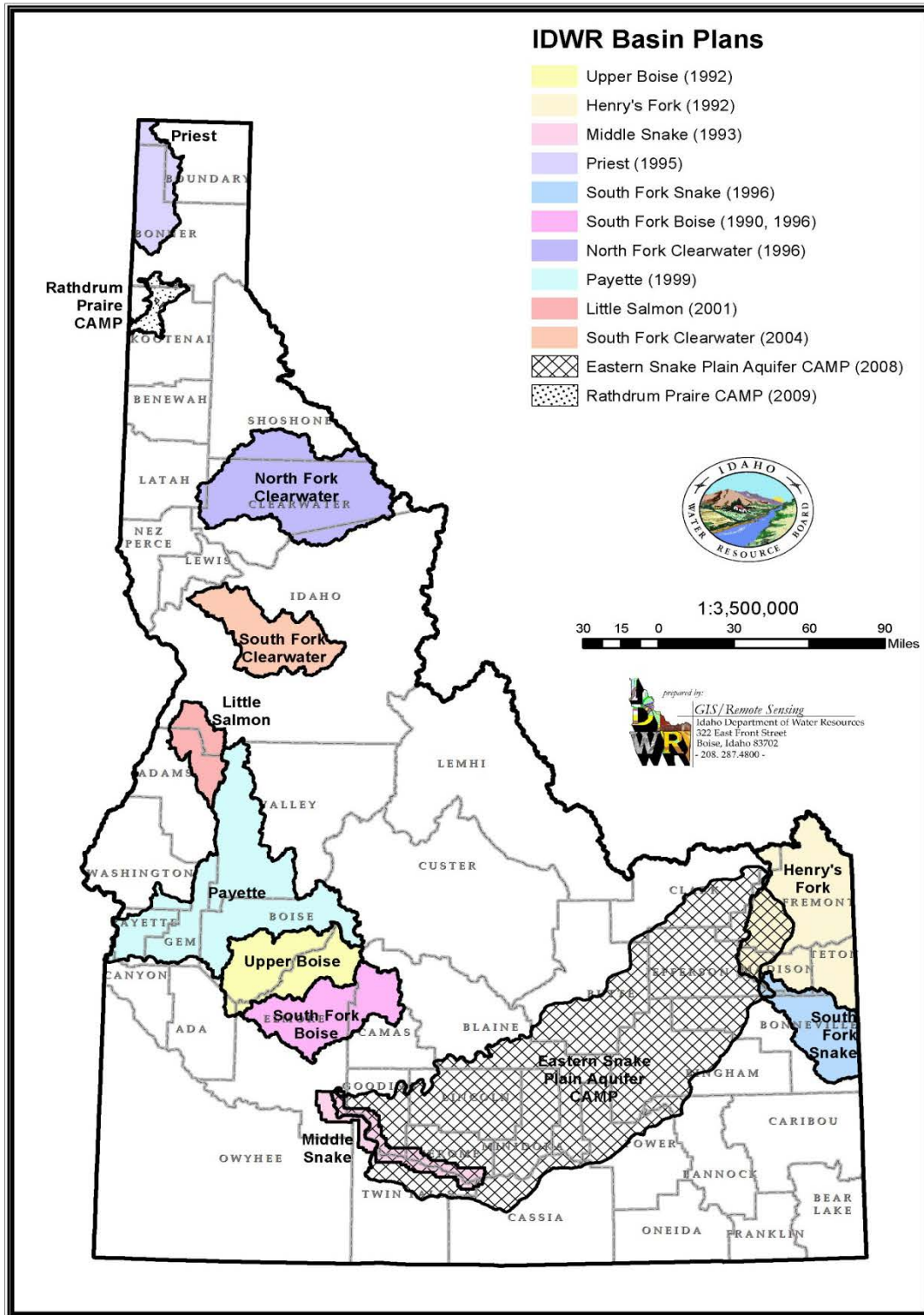
### **Proposed Actions by WRP Committee**

Consider attached draft resolution to establish a process for review and revision of the Idaho State Water Plan.

If approved by the IWRB, this proposed schedule could be presented to the Legislative Natural Resource Interim Committee during summer 2013. The WRP Committee would solicit suggestions from the legislative committee and others in order to schedule work by the WRP Committee for the upcoming cycle. It would also be explained that the upcoming cycle will include review of policies which raised concerns from legislators during the 2013 session as well as developing a draft Sustainability Policy.

Attachment:

1. Map of existing Part B Plans



DRAFT  
BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE            )  
IDAHO STATE WATER PLAN        )  
\_\_\_\_\_                                  )

A RESOLUTION TO ESTABLISH  
A PROCESS FOR REVISING THE  
COMPREHENSIVE STATE WATER PLAN

WHEREAS, Article XV, Section 7, of the Constitution of the State of Idaho states “the State Water Resource Agency shall have power to formulate and implement a state water plan for the optimum development of water resources in the public interest”; and

WHEREAS, Idaho Code Title 42, Section 1734A directs the Idaho Water Resource Board to “progressively formulate, adopt and implement a comprehensive state water plan for conservation, development, management and optimum use of all unappropriated water resources and waterways of this state in the public interest”; and

WHEREAS, Idaho Code Title 42, Section 1734A additionally describes the comprehensive state water plan to consist of Part A—statewide policies, goals and objectives, and Part B—component water plans for individual waterways, river basins, drainage areas, river reaches, groundwater aquifers or other geographic designations; and

WHEREAS, Idaho Code Title 42, Section 1734B, sets out procedures for adopting, reevaluating, and amending the comprehensive state water; and

WHEREAS, Article XV, Section 7, of the Constitution of the State of Idaho directs that “any change to the state water plan shall be submitted to the Legislature of the State of Idaho upon the first day of a regular session following the change and the change shall become effective unless amended or rejected by law within sixty days of its submission to the Legislature”; and

WHEREAS, the Idaho Water Resource Board adopted the first comprehensive state water plan in 1976 and subsequent revisions in 1982, 1986, 1992, 1996 and 2012; and

WHEREAS, the Idaho Water Resource Board has adopted twelve Part B comprehensive state water plans in selected waterways and aquifers; and

WHEREAS, delay in the updating of the comprehensive state water plan diminishes its value to policy makers and the public; and

WHEREAS, the comprehensive state water plan should be a living document that reflects the current status of state water policy; and

WHEREAS, Part B comprehensive state water plans need to be tiered to implement Part A comprehensive state water plan policies; and

WHEREAS, Part B comprehensive state water plans need to be developed on a basinwide scale; and

NOW THEREFORE BE IT RESOLVED that the Idaho Water Resource Board shall establish a process and schedule for ongoing review of the policies of Part A of the comprehensive state water plan.

NOW THEREFORE BE IT FURTHER RESOLVED that the Idaho Water Resource Board will review Part B components of the comprehensive state water plan as deemed necessary or as described in Idaho Code.

DATED this 17<sup>th</sup> day of May, 2013

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ROGER CHASE, Chairman  
Idaho Water Resource Board

ATTEST: \_\_\_\_\_  
BOB GRAHAM, Secretary