Proposed Sustainability Policy Summary Sheet

	Name/Affiliation	Type of Comment
1	Pat Ford Resident of Boise	Testimony Boise 6/7/16
2	Justin Hayes Program Director Idaho Conservation League	Testimony Boise 6/7/16
3	David Monsees Resident of Boise	Testimony Boise 6/7/16
4	Richard Oehlschlager Trout Unlimited	Testimony Boise 6/7/16
5	Shelley Brock Resident of Eagle	Testimony Boise 6/7/16
6	Mark McCord River Guide from Texas	Testimony Boise 6/7/16
7	Victoria Casetta Resident of Idaho	Testimony Boise 6/7/16
8	Greg Loomis Guide Save Silver Creek	Testimony Hailey 6/13/16
9	Marc McCord Speaking for Self	Testimony Hailey 6/13/16
10	Martin Fry Emmett Resident	Testimony Hailey 6/13/16

Proposed Sustainability Policy Summary Sheet

	Name/Affiliation	Type of Comment
11	Rusty Kramer Watermaster 37B Fairfield	Testimony Hailey 6/13/16
12	Lawrence Schoen Commissioner Blaine County	Testimony Hailey 6/13/16
13	Dr. Wendy Pabich Water Futures	Testimony Hailey 6/13/16
14	Marie Kellner Idaho Conservation League	Testimony Hailey 6/13/16
15	Mark Davidson The Nature Conservancy	Testimony Hailey 6/13/16
16	Patti Lousen Wood River Land Trust	Testimony Hailey 6/13/16
17	Les Cameron Wood River Well Representing self	Testimony Hailey 6/13/16
18	Gerry Morrison Representing self	Testimony Hailey 6/13/16
19	Alan Richardson Resident of Hailey	Testimony Hailey 6/13/16
20	Pat Purdy Picabo Livestock	Testimony Hailey 6/13/16
21	Lawrence "Larry" Schoen Commissioner Blaine County	Testimony Hailey 6/13/16

Proposed Sustainability Policy Summary Sheet

	Name/Affiliation	Type of Comment
22	Marc McCord Speaking for Self	Testimony Hailey 6/13/16
23	Richard Parrott Salmon Tract Farmer	Testimony Twin Falls 6/28/16
24	Pat McMahon Galena GWD	Testimony Twin Falls 6/28/16
25	Bryan Woodhouse Magic Valley Fly Fishers, President	Testimony Twin Falls 6/28/16
26	Brian Olmstead Twin Falls Canal Co.	Testimony Twin Falls 6/28/16
27	Harold Mohlman A&B Irrigation	Testimony Twin Falls 6/28/16
28	John Lind Burley Irrigation District	Testimony Twin Falls 6/28/16
29	Kevin L. Moore	Testimony Sandpoint 7/20/16
30	Denise Zembryki Sagle Resident ICL Affiliation	Testimony Sandpoint 7/20/16
31	Beth Martin	Testimony Sandpoint 7/20/16

Proposed Sustainability Policy Summary Sheet

	Name/Affiliation	Type of Comment
32	John O'Conner Bonner's County Resident	Testimony Sandpoint 7/20/16
33	Angelo Lonzisero Resident of Sagle	Testimony Sandpoint 7/20/16
34	Dave Gillmor Trout Unlimited member Resident of Sagle	Testimony Sandpoint 7/20/16
35	Susan Drumheller Resident of Sagle	Testimony Sandpoint 7/20/16
36	Matthew Kehoe Resident of Sandpoint	Testimony Sandpoint 7/20/16
37	Steve Spanski Resident of Clark Fork	Testimony Sandpoint 7/20/16
38	Heather Scott Resident of Blanchard	Testimony Sandpoint 7/20/16
39	Doug Patterson Resident of Priest River	Testimony Sandpoint 7/20/16
40	Roger Barry Resident of Blanchard	Testimony Sandpoint 7/20/16
41	Richard Miller Resident of Sagle	Testimony Sandpoint 7/20/16

Proposed Sustainability Policy Summary Sheet

	Name/Affiliation	Type of Comment
42	Doug Zenner Nez Perce County Commissioner	Testimony Lewiston 8/23/16
43	Renee Eder	Testimony Lewiston 8/23/16
44	Dan Johnson Senator	Testimony Lewiston 8/23/16
45	Thyra Stevenson Representative	Testimony Lewiston 8/23/16
46	Caroline Troy Representative	Testimony Lewiston 8/23/16
47	Carl Berglund	Testimony Lewiston 8/23/16
48	James McMillan Resident of Wallace	Testimony Lewiston 8/23/16
49	Robert Murdock Resident of Blackfoot	Testimony Idaho Falls 8/30/16
50	George Redden Resident of Idaho Falls	Testimony Idaho Falls 8/30/16
51	Ron Nate Representative of District 31	Testimony Idaho Falls 8/30/16

Proposed Sustainability Policy Summary Sheet

	Name/Affiliation	Type of Comment
52	Roger Warner Eastern Idaho Water Right Coalition	Testimony Idaho Falls 8/30/16
53	Harvey Walker Representing Basin 34 & 22	Testimony Idaho Falls 8/30/16
54	Representative Janet Trujillo Eastern Idaho Water Right Coalition	Testimony Idaho Falls 8/30/16
55	John Sigler Resident of Pocatello	Testimony Chubbuck 9/14/16
56	Bud Smalley Resident of Pocatello	Testimony Chubbuck 9/14/16
57	Tim Norton Resident of Pocatello	Testimony Chubbuck 9/14/16
58	Steven Smart Resident of Chubbuck	Testimony Chubbuck 9/14/16
59	John R. MacMillan Clear Springs Foods	Written 6/14/16
60	David A. Bunzow	Written 6/16/16
61	Richard English Resident of Ketchum	Written 6/27/16
62	Scott D Friedman Resident of Blaine County	Written 7/06/16
63	Elizabeth Neuder Resident of Sandpoint	Written 7/12/16

Proposed Sustainability Policy Summary Sheet

	Name/Affiliation	Type of Comment
64	Stephen Lockwood Resident of Sandpoint	Written 7/18/16
65	Karen Schumacher	Written 7/27/16
66	Natalie Chavez Resident of Boise	Written 8/8/16
67	Adrienne Cronebaugh Kootenai Environmental Alliance	Written 8/30/16
68	Tim Deeg Idaho Ground Water Appropriators, Inc.	Written 8/24/16
69	Suzanne Marshall Resident of Coeur D'Alene	Written 9/7/16
70	Dave Green Resident of Boise	Written 9/7/16
71	Josh Niles Resident of Boise	Written 9/7/16
72	Karen Ward Resident of Moscow	Written 9/7/16
73	Marc Fleisher Resident of Moscow	Written 9/7/16
74	Ted Stout Resident of Bellevue	Written 9/7/16
75	Jessica Gradhandt Resident of Boise	Written 9/7/16
76	Joshua Butler Resident of Boise	Written 9/7/16
77	William Woodward Resident of Meridian	Written 9/8/16
78	Steve Smith Resident of Swan Lake	Written 9/8/16
79	Diane Ringler Resident of Island Park	Written 9/8/16

Proposed Sustainability Policy Summary Sheet

	Name/Affiliation	Type of Comment
80	Kam Majer Resident of Sandpoint	Written 9/8/16
81	Anthony Appelhans Resident of Idaho Falls	Written 9/8/16
82	Lisa Fitzner Resident of Coeur D'Alene	Written 9/9/16
83	Brennan Henry Allsworth Resident of Meridian	Written 9/9/16
84	Nathaniel Role Resident of Clark Fork	Written 9/12/16
85	Kevin Moore	Written 9/13/16
86	Rose Bernal Butte County Commissioner	Written 9/14/16
87	Carolyn Sondahl Resident of Spririt Lake	Written 9/15/16
88	Greg Loomis Resident of Blaine County	Written 9/16/16
89	Josephine Lowe Resident of Ketchum	9/15/2016
90	Tom Page Resident of Pahsimeroi Valley	Written 9/19/16
91	Jerry Jayne Resident of Idaho Falls	Written 9/19/16
92	Emilio Tenuta Ecolab	Written 9/23/16
93	Megan Schooley Resident of Ketchum	Written 9/26/16
94	Joanie Fauci Resident of Boise	Written 9/27/16
95	Patti Lousen Wood River Land Trust	Written 9/15/16

Proposed Sustainability Policy Summary Sheet

	Name/Affiliation	Type of Comment
96	Kahle Becker Resident of Boise	Written 9/28/16
97	Steve Mitchell Resident of Hailey	Written 9/28/16
98	Katie Bray Resident of Hailey	Written 9/28/16
99	Ben Otto Resident of Boise	Written 9/28/16
100	Thomas Colby Resident of Boise	Written 9/28/16
101	Kathy Peter Resident of Boise	Written 9/28/16
102	Lana Weber Resident of Boise	Written 9/28/16
103	John Twa Resident of Boise	Written 9/28/16
104	Gordon Barkley Resident of Emmett	Written 9/28/16
105	Steve Rinehart Resident of Boise	Written 9/28/16
106	Brandon Hoffner Henry's Fork Foundation	Written 9/29/16
107	Peter Anderson Trout Unlimited, Idaho Water Project	Written 9/29/16
108	Christina Cernansky Resident of Ketchum	Written 9/29/16
109	Annette Botaro-Walklet Resident of Boise	Written 9/29/16
110	John W. Sigler Resident of Pocatello	Written 9/29/16
111	Tanya Anderson Resident of Victor	Written 9/30/16

Proposed Sustainability Policy Summary Sheet

	Name/Affiliation	Type of Comment
112	Brian Searle Idaho Farm Bureau Federation	Written 9/30/16
113	Erin Zaleski Resident of Boise	Written 9/30/16
114	David Hall Resident of Moscow	Written 9/30/16
115	Travis L. Thompson Surface Water Coalition	Written 9/30/16
116	Matt Nykiel Resident of Sandpoint	Written 9/30/16
117	Marie Callaway Kellner Idaho Conservation League	Written 9/30/16
118	Dani Mazzotta Resident of Hailey	Written 9/30/16
119	Nina Jonas Mayor, City of Ketchum	Written 9/30/16
120	Robert Murdock Resident of Blackfoot	Written 8/30/16

Miller, Neeley

From: Randy MacMillan [randy.macmillan@clearsprings.com]
Sent: Tuesday, June 14, 2016 5:32 PM
To: Miller, Neeley
Cc: swp@idwr.gov
Subject: Proposed water resource sustainability policy

Neeley- Brian suggested I directly e-mail you with any constructive comments about the proposed water resource sustainability policy and implementation policy. Clear Springs Foods supports the policy and implementation strategies. The only other strategy I encourage the Water Board to consider is public education. Since the program will rely heavily on State financial support, there may come a time when pronounced public support will be needed. The public needs to be continually reminded of the need to invest in Idaho's water resources, their conservation and sustainability. The program will require long-term investment that the public needs to understand. The public should also be educated about program success.

Thanks for your consideration. Randy

John R. MacMillan, Ph.D.
Vice President
Clear Springs Foods, Inc.
POB 712
Buhl, Idaho 83316
Phone 208-543-3462
Mobile 208-420-7534

CLEAR SPRINGS FOODS®

Miller, Neeley

From: David Bunzow [davidbend@cableone.net]
Sent: Thursday, June 16, 2016 3:39 PM
To: SWP
Subject: Comments on Draft Proposal - Sustainability Plan
Attachments: Idaho Water Sustainability Plan.docx

To whom it may concern:

I wish to provide the attached comments and recommendations to the Idaho Water Resources Board regarding its DRAFT Sustainability proposal.

Respectfully submitted,

David A. Bunzow

--

June 15, 2016

IDAHO STATE WATER PLAN
Idaho Water Resources Board
Comments on Proposed Sustainability Section 8

OVERVIEW

First of all, I want to take this opportunity provided by the State of Idaho to offer comments on the proposed Sustainability Section to the existing Idaho State Water Plan. I also want to thank those who have worked so diligently to draft the as-proposed Section 8 of the Water Plan and let them know their efforts to date are very much appreciated.

While this proposed Sustainability Section provides some basic guidance to the principles of good water stewardship, it ignores a number of issues a good sustainability plan should address within its framework. I believe it to be quite distant from the comprehensive document that is needed for definition, vision and quantification of a sustainable water program and policy that addresses all stakeholder needs within the State of Idaho.

I offer to you the following 4 central issue descriptions, as well as comments and suggestions which define these shortcomings, and offer thoughts on how to substantially improve the Policy and address with balance the basic needs of all stakeholders.

ISSUE #1

The as-written document does not properly recognize or address the non-human environmental and ecosystem needs that must be factored into a sustainable water future for all stakeholders in the State of Idaho.

INPUT

- *A sustainability document should identify all stakeholders, regions and impacted species it purports to serve and protect – include people, animals, fish, birds and politicians (!)*
- *A sustainability document should list the critical factors that can/will impact the ability of government and stakeholders from building toward and/or achieving success; these elements should include – as a bare minimum – climate change, population growth (or decline), air quality in urban versus rural areas, local and global economic changes, and the influence of politics and ideas (who's right versus what's right) in its implementation*

ISSUE #2

The document appears to support and/or sustain a hierarchy of existing State water rights and uses that prioritizes the unsustainable status quo over the many comprehensive changes needed to assure sustainability and quality in current and future needs of all stakeholders.

INPUT

- *The as-proposed document does not appear to recognize or address needed alterations to existing political biases toward the State's water resources*
- *This document does not offer any incentives to either conserve existing water resources or reward minimization of usage from traditionally large wasteful practices*
- *This document does not address the need for exploration of new water resource to meet future needs of its stakeholder – it appears to reward large wasteful practices that adversely impact the natural resources it purports to want to preserve and protect*
- *The implementation strategy to pursue surface water storage as a viable mechanism for meeting future water needs is misguided and needs to be eliminated from the document*
- *The document appears to create a hierarchy of rights that favors water uses by industry, mining, farming and private property owners – while sound economic factors should be considered, private property rights do not belong on this list since all water belongs to the public, either directly or as pass-through from public to public entities*

ISSUE #3

This as-written policy is silent on sustainability factors such as actual water quality, water health and the needs of all members and needs of the ecosystem it purports to protect.

INPUT

- *This document does not define, address or guarantee water quality in even its simplest terms – it would be a more meaningful document if water pollution, contamination and sources that contribute to these issues were listed*
- *This document is silent on water health issues, such as those found in other communities and ecosystems throughout the U.S.*
- *This document does not appear to recognize in any quantifiable manner what are the water needs it seeks to protect or current sustainability options that could be implemented*

ISSUE #4

This document does not establish any quantifiable goals or timelines that can be used to measure either the State's progress against or its inability to impact needed changes that help guarantee (or even allow measurement regarding) real progress against goals when net improvements are (not) occurring.

INPUT

- *The document does not address what goals and metrics will be used to measure success for the State's Water Plan. Equally it does not offer any guidance or even hints at how water sustainability will be defined or quantified – a document without these features will have no impact or teeth with which to address accountability or to provide remediation incentives in the event of missing goals or targets*
- *A key attribute of a viable water sustainability plan is the definition/description of existing issues, a strategic plan for remediation of these issues, a timetable for implementation, tactical (at least acknowledgement of issues and action recommendations) remediation plans*

Miller, Neeley

From: Richard English [rpenglish217@gmail.com]
Sent: Monday, June 27, 2016 12:20 PM
To: SWP
Cc: Ron Duncan
Subject: Idaho Water Sustainability Planning

I attended the Hailey meeting a few weeks ago and would like to provide some thoughts on water sustainability.

I am a 'new' Idaho resident, having recently moved into a house in Ketchum in February and sold our house in California in early January. I had lived most of the last ~45 years in coastal central California, with the last ~15 years in Aptos, CA. Aptos is a coastal community on Monterey Bay whose water supply is provided exclusively by an aquifer that is bordered by the Santa Cruz mountains and the Monterey Bay. Some years ago the principal public water agency (Soquel Creek Water District) determined that the aquifer was being overdrafted leading to lowering groundwater levels and the increased risk of salt water intrusion into the aquifer. Some of the factors in play include:

- Senior water rights with very little restriction on pumping
- Many unmetered private wells in addition to the Soquel Creek Water District
- No water sharing agreement with adjacent community that is primarily a surface-water user
- No initial focus on appropriate water uses or usage
- Limited initial public communication regarding water resources
- Reluctance to consider salt water desalination by the (adjacent) City of Santa Cruz which has the best access, existing infrastructure…

Over the last ~5 years the Soquel Creek Water District and the Santa Cruz County Water Agency have collaborated on development of a comprehensive plan to address the impending salt-water incursion disaster and have begun to implement mitigation steps toward ***sustainability*** of the aquifer. This is the linkage that I thought might have relevance to the very forward-thinking that is going on today in Idaho.

Some of the steps that are being taken in Santa Cruz County to achieve sustainability:

- Measure usage. All private wells are being metered. All domestic and businesses have been metered for some time.
- Track usage.
- Establish usage targets. The word finally got out and private usage was reduced dramatically - well over 25% relative to 2013 (I think).
- Report usage - water bills went from bi-monthly reports using 'units' of water to monthly reports using gallons of water for the billing period and ***gallons/day,*** a metric that individuals could relate to and take personal action to reduce and manage.
- Penalties associated with excess usage - financial, public reporting, etc.
- Creation of collaborative well-user community (there is a formal process whose name I've forgotten) to enlist their participation in the effort to bring usage of the aquifer into alignment with a target that will allow recovery.
- Planning with the City of Santa Cruz that uses surface water (primarily) to enable a sharing system. During peak winter flows, river water that is not needed to refill their reservoir cascades down the river to the ocean. The plan is to divert some of this excess flow into an aquifer recharge system with a

reciprocal agreement that if the City of Santa Cruz needs water during a prolonged dry period, water would be provided from the 'recharge credit' that they would have accrued. Sounds simple, but with California water law, it's been a challenge to implement this system.

- New construction must provide offsetting water usage. For each gallon/day of projected use in a new home or business, there must be an offset that exceeds the new use by a factor of 1.5 (I think). Builders have installed no-flow urinals, low-flow toilets and showers, etc in existing buildings to achieve these offsets.
- Outdoor watering has been a major focus and incentives have been provided to homeowners to replace grass with native shrubs or hardscape.
- Looking into a regional salt water desalination project to provide a reliable source of fresh water in spite of its higher cost.
- Looking into reprocessing sewage treatment to a purity level that would allow its use in aquifer recharge or direct use for outdoor watering. While San Diego has implemented a sewage recovery process that delivers drinking water back into the fresh water system, this approach doesn't seem to be at the top of the list of alternatives in Santa Cruz County. ("Toilet to tap" was the first name for this process and it resulted in a multi-year push-back from the community…)
- While Aptos isn't a high agricultural use area, there are major ag users in the region who are already dealing with salt water incursion into the wells that they have drilled. Ag is therefore seeking more efficient watering methods as well...

I've tried to capture some of the most important elements of the water sustainability efforts underway in Santa Cruz County, CA, as some appear to have relevance in Idaho. If you would like more first-hand information, I suggest you contact Ron Duncan (rond@soquelcreekwater.org) at the Soquel Creek Water District, Aptos, CA. He has been leading the efforts that I've described and would be an excellent resource.

I am delighted that Idaho is looking towards the water future and will hopefully avoid many of the issues being faced in California. Achieving a balance between demand and supply seems like a natural approach, and it's pretty obvious when one is considering electrical power or natural gas, but water has been considered an unlimited natural resource. Education is a critical element of the water sustainability challenge, and it can't start too early! Please let me know if I can be of further assistance.

Best,

Richard "Dick" English
rpenglish217@gmail.com
831-539-3299

Miller, Neeley

From: Scott Friedman [sdfriedman.md@gmail.com]
Sent: Wednesday, July 06, 2016 5:11 PM
To: SWP
Subject: Water Sustainability Policy

Thank you all for publishing your draft of a water sustainability policy and allowing for public discussion and comments.I think the State of Idaho has made an important decision to perform planning in regards to its' most valued asset. Idaho has grown and your policy states also that there are declining trends in the water resource that must be addressed. It is the right time to reassess how we live with water. This policy is an important start on this path. It is an overall good document.

I carefully reviewed your policy comments in regards to its management including rerouting it, storing it and conserving it. Of the three methods conservation is the most efficient and likely cost effective means to consider. Since there is much water wasted with current usage despite a declining resource, impounding it and rerouting it should be considered after conservation efforts can be utilized, depending of course on the specific watershed issues. Your policy statement on conservation efforts only mentions determining what "can" be done by various groups. This seems too weak a proposition for change. They will need to be more encouraged to conserve despite the presence of private water rights. Your document mentions several times the primacy of private water rights, however I think the prime issue is the responsibility of the State to make sure water is available for the most critical needs of those in each watershed. The private water rights are subject to the State, and could include an aspect of conservation in return for the rights. Conservation is a key way to achieve water sustainability in the state and its' use should be a focus of policy. In return for conservation efforts by private water rights owners a more robust water market could be organized.

I also noted that your policy currently has no mention of protecting fish populations. This is an important part of the state economy and recreation, and a significant source of employment and tourism. There have been fish kills of note due to impoundment and diversion and overuse of river water. Adding dams to the rivers is regressive policy. This should certainly also be considered in water planning.

Thank you for reviewing comments. This is a keystone task for the State.

Sincerely
Scott D Friedman, MD
Blaine Count

Miller, Neeley

From: Elizabeth & Steve [sne1230@frontier.com]
Sent: Tuesday, July 12, 2016 6:46 PM
To: SWP
Cc: mkellner@idahoconservation.org
Subject: Water sustainability

Hi! I am a Sandpoint, Idaho resident and homeowner. Maintaining clean water, promoting water conservation, and protecting native fish, flora, and fauna help maintain a balanced, healthy, and sustainable ecosystem. These goals are important to me and my family, and benefit all Idahoans.
I would like you to support measures that promote sustainability and conservation of natural resources. It might mean that we water our lawns less, or use native plants/trees, or other creative means of sustainability. I believe these measures are win-win for us all in the long run.
Thank you for your endeavors.

– Elizabeth Neuder

Miller, Neeley

From: Steve Lockwood/Molly O [yachthalo@yahoo.com]
Sent: Monday, July 18, 2016 11:08 AM
To: SWP
Subject: Sustainable Water Resources Policy

Water Resources Board,

I applaud your draft sustainable water resources policy as an important step for Idaho. Our economic vitality and quality of life will be enhanced by recognition of the importance of conservation, ground and drinking water quality, and basin aquifer stabilization.

Under "Balance water supply and demand" I suggest including specific consideration of trends due to climate change, and also year-to-year variability.

Our native fish are of great value, both intrinsically and economically. The policy must, I believe, include protection of water for them as a high priority!

New or enlarged dams are an inappropriate inclusion in the draft. They don't add water to the systems, but rather increase losses due to evaporation and they also elevate water temperature. Dams reduce the habitat for fish and inhibit their breeding and movement. Conservation is a positive answer, expensive and damaging new or expanded dams are not.

Stephen Lockwood
413 St. Clair Ave.
Sandpoint, ID 83864

Miller, Neeley

From: Karen Schumacher [kareshan@mindspring.com]
Sent: Wednesday, July 27, 2016 1:47 PM
To: SWP
Subject: sustainability

I am completely opposed to the insertion of the word sustainability into IDWR language. This is nothing more than a United Nations word that has been successfully used over the last 24 years to indoctrinate Americans on sustainable development, which is nothing more than Agenda 21, and now Agenda 2030. That word means nothing, there is nothing that it represents other than the UN moving us toward a total regulated nation, stripping us of our sovereignty and rights, and giving a false illusion that something positive is being done. It means nothing. Isn't it bad enough the state has put Idaho under conventions and laws created by the UN? Why must there be a continuation of this by using UN language in your agency?

I resent that Idaho has been ceded to the UN along with the rest of the United States. Your own department follows the mandates of Integrated Water Resources Management which is straight out of the UN. You already use their language. Via the UN the federal government has mandated this onto Idaho.
http://www.un.org/waterforlifedecade/iwrm.shtml

The UN's sole purpose with "integration" is to have control of all water resources in the United States and have control over how it is regulated and managed, and delivered to agricultural sectors, industries, and cities. You must certainly be aware of the threats currently going on towards agriculture. And you must certainly be familiar with banks buying up water utilities and water rights. Even here in Boise United Water is run by a UN business partner, Suez Environnement. They are integrating UN objectives through their business. Did you know that?
https://business.un.org/en/commitments/3883

The EPA is actively pursuing control of water across the United States in partnership with the UN. Here is their MOU with the UN to support and promote UN objectives.
https://www.epa.gov/sites/production/files/2014-05/documents/epaunepmou.pdf

Are we so tied to the the UN we are unable to create a water plan that is unique to Idaho and best serves Idaho? You will not be doing any service to Idaho by continuing to make IDWR an arm of the UN. I am strongly urging you to not put sustainability into any of your language. Please do not do this. I don't understand how any true Idahoan would ever consider or support this.

Karen Schumacher

Miller, Neeley

From: Natalie Chavez [idahochavezes@gmail.com]
Sent: Monday, August 08, 2016 12:27 PM
To: SWP
Subject: The draft water sustainability policy is a great step

Dear IWRB members,

Thank you for being proactive on water sustainability in Idaho. As our climate changes, Idaho's water is going to be more and more important—and more and more scarce.

My one concern is the equal prioritization of conservation and hydropower. Hydropower projects take years to license and build. Plus this approach merely stores water rather than helping Idaho "do more with less."

Water conservation is where our emphasis should really be. And I would like to see the state take on more leadership for water conservation practices. Idaho citizens understand how important water is, especially in the southern part of the state where it's more arid, but they don't always understand how to conserve it. A strong state water sustainability policy will provide the framework for more education and outreach on water conservation.

Please revise the policy to shift the emphasis to water conservation.

Thank you,

Natalie Chavez
7205 N Prescott Ave
Boise, ID 83714

KOOTENAI ENVIRONMENTAL ALLIANCE

August 30, 2016

Idaho Water Resource Board
ATTN: SWP
PO Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

To Whom it May Concern:

Kootenai Environmental Alliance is the oldest nonprofit conservation organization in Idaho with a mission to "conserve, protect and restore the environment with particular emphasis on the Idaho Panhandle and the Coeur d'Alene Basin." Kootenai Environmental Alliance has over 800 members who live, work and play in the Idaho Panhandle and rely on the Rathdrum Prairie Aquifer and our surface waters for clean drinking water.

We are happy to see Idaho placing an emphasis on the need for responsible stewardship of our water resources via the proposed Sustainability Policy (SP) in the Idaho State Water plan.

It is good to see that the SP acknowledges the importance of clean drinking water. The last bullet of the Implementation Strategy (IS) specifies that "This goal requires other state and local agencies to exercise their appropriate authorities to protect the water resources and to assist in meeting the goal of sustainable economic growth." Supporting economic growth should not be given equal importance of protecting water quality. We recommend you remove the "economic growth" language. This recommendation is supported by language found in IDAPA regulations 58.01.11.006. at 01 and 02, "It is the policy of the state of Idaho to maintain and protect the existing high quality of the state's water." And "The policy of the state of Idaho is that existing and projected future beneficial uses of ground water shall be maintained and protected, and degradation that would impair existing and projected future beneficial uses of ground water and interconnected surface water shall not be allowed."

We are pleased that the SP places an emphasis on identifying and implementing conservation best practices for all water users. The language found on page one of the SP describes compliance with state of Idaho laws and policy. It is important that water conservation regulations contained in Idaho Code, Title 42, Chapter 14 are recognized.

However, we are concerned that the draft policy places undue importance on the "enhancement of surface water storage supply" as a primary way to meet future water needs. Dams have more

consequences then incentives as they are expensive, eliminate habitat in their reservoirs and in the rivers below and provide no guarantee of additional water. Migratory fish, like Idaho's famous salmon, stand an even poorer chance of completing their round trip journey from birth to spawning when "water storage" structures are placed in their path. In fact, Idaho's native fish, which rely on Idaho waters for life and serve as a driver of Idaho's (tourism and recreation) economy, are not acknowledged at all in the proposed Sustainability Policy. Idaho Code, Title 42, Chapter 15 at 1501, discusses requirements of minimum stream flows and thus should be recognized in the SP.

More emphasis should be placed on conservation and more efficient use of our limited water resources, rather than proposing such extreme and expensive measures. Kootenai Environmental Alliance members encourage that the SP place more emphasis on implementing conservation measures for Idaho's agricultural, industries and citizens—especially since climate models predict that warming temperatures will lead to snow drought and earlier runoff across the state. The SP should prepare and aid its citizen's and industry to adapt to these new water patterns as opposed to clinging to the old. There are 14 IS listed in the SP; water conservation strategies are listed ninth out of the 14 IS. Water conservation and conservation measures should be at the top of the IS list in order to ensure compliance with applicable Idaho Code.

Since climate change is going to drastically affect the future of Idaho's water resources, "climate change" should be noted in the policy rather than ignored.

We hope that you will take our comments into consideration as you review the revisions suggested to the proposed Sustainability Policy of the Idaho State Water Plan.

Looking forward,

Adrienne Cronebaugh

Adrienne Cronebaugh
Executive Director

Kootenai Environmental Alliance
PO Box 1598 • Coeur d'Alene, ID 83814
www.kealliance.org 208-667-9093 kea@kealliance.org

IDAHO GROUND WATER APPROPRIATORS, INC.
PO BOX 2624, BOISE, ID 83701
Phone: 208-381-0294
Fax: 208-381-5272

Officers:

Tim Deeg, President
American Falls, Idaho
208-226-2562
deegt@aol.com

Craig Evans, Vice President
Blackfoot, Idaho
208-680-3527
idcspud@aol.com

Randall C. Budge, Gen. Counsel/Secretary
P. O. Box 1391
Pocatello, Idaho 83204-1391
208-232-6101
rcb@racinelaw.net

Lynn Tominaga, Executive Director
Boise, Idaho
208-381-0294
lynn_tominaga@hotmail.com

Members:

American Falls-Aberdeen GW District
Bingham GW District
Bonneville-Jefferson GW District
Jefferson-Clark GW District
Madison GW District
Magic Valley GW District
North Snake GW District
Southwest Irrigation District
Carey Valley GW District
Busch Agricultural Resources, Inc.
Jerome Cheese
United Water, Inc.
City of American Falls
City of Blackfoot
City of Chubbuck
City of Heyburn
City of Jerome
City of Paul
City of Post Falls
City of Rupert

August 24, 2016

Idaho State Water Board
322 East Front Street
State House Mail
Boise, Idaho 83720

Re: Proposed Sustainability Section to be Added to Idaho State Water Plan

Dear Board:

On behalf of Idaho Ground Water Appropriators, Inc. (IGWA), we want to thank and commend you for your efforts to develop and add a sustainability policy to the Idaho State Water Plan.

As you are aware, IGWA has entered into an agreement with the Surface Water Coalition designed to permanently end conflict over use and management of Idaho's vast Eastern Snake Plain Aquifer (ESPA) by stabilizing the ESPA at a sustainable level that will protect existing water rights and support continued economic development. The proposed sustainability policy for the State Water Plan dovetails perfectly with and adeptly reinforces this important goal.

IGWA does not have any criticisms with the draft policy, but might suggest adding to the implementation strategy an objective of "maximizing retention and use of available water supplies in Idaho." This would reinforce the IWRB's effort to maximize utilization of available water supplies in Idaho by increasing recharge of the ESPA.

Thank you again for your hard work on this important policy.

Sincerely,

TIM DEEG
President

Miller, Neeley

From: Suzanne Marshall [suzanne.marshall@yahoo.com]
Sent: Wednesday, September 07, 2016 4:38 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

I am new to Idaho and am glad that water quality issues and sustainablity of water are being addressed as these are crucially important to our lives, our wildlife, our agriculture and our children and their children I am especially concerned that Idaho's native fish be considered and protected in this policy. Fish are important to the citizens here for recreation, tourism, and as indicators of water quality. WE need to be sure fish are a part of this policy.
Thank you,

Suzanne Marshall
620 N 16TH ST
Coeur D Alene, ID 83814

Miller, Neeley

From: Dave Green [dave@northend.org]
Sent: Wednesday, September 07, 2016 5:13 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

It's important to consider that is happening with the current dam system and how it is affecting our fish population. And we all know that the aquifer is key to our water supply. Agriculture and industry must find ways to conserve before we build dams.

Dave Green
1311 W. Heron St.
Boise, ID 83702

Miller, Neeley

From: Josh Niles [joshuaniles@gmail.com]
Sent: Wednesday, September 07, 2016 6:34 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

I am grateful for the serious look at Idaho's water sustainability but it does seem there is room to further improve in a few key areas.

The most important of these to me and many of my friends is responsible usage of the water we already have access to without building more dams. I understand that some dams are needed to have to community that we all value but Idahoans are known to be the biggest users of water in the house than any other state. There is a reasonable argument to be made that we don't need more dams but need to learn to use the water resources we already have more effectively. In our house in Boise my wife and I have relandscaped to native Idaho plants that don't need more water than our region gets and we use low flow shower and faucets. I was feeling good about this step until a friend told me that because of my efforts to conserve water and leave it in the rivers for the fish I was actually allowing greater development in the area because my water savings would just go to allow a new house to be built. This was not my intention and quiet eye opening to me that there is a bigger issue at play that needs to be addressed.

I hope that these types of issues can be addressed in the work you all are doing. I think we are stepping in the right direction in some areas but I hope that we can address the issue of over using the water resource we have. I hope we can move forward without sacraficing the fish and other environmental impacts new dams would have and I hope that we can reduce the amount of water each household used by good discussion and policy making.

Again I appreciate the work that is being done and know that these concerns can be addressed in away that will actually benifit Idahoans and all mankind.

With much appreciation,
Josh Niles

Josh Niles
1711 N 29th ST
Boise, ID 83703

Miller, Neeley

From: Karen Ward [heartofidaho@moscow.com]
Sent: Wednesday, September 07, 2016 6:46 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

As an Idaho native, longtime resident, agriculture professional and conservationist, I am very concerned that the water sustainability plan doesn't include any consideration or plan for sustaining fisheries nor presumably for stream ecosystems. In our state, where healthy streams are vital to our way of life, this seems very short-sighted.

Additionally, I oppose any expansion of existing dams or construction of new dams. I am well-acquainted with irrigated agriculture and I know that compared with other states, there is a lot of inefficiency in current irrigation and other water uses in Idaho. I also observe that residential water users in Idaho are profligate in their water use, in general. I believe that Idahoans can reduce their water use dramatically if faced with shortages, without much pain. Water conservation programs do not involve massive construction projects. As my husband points out, if we used 10%, for example, of the millions of dollars needed for dam expansion and construction to promote efficiency in irrigation across the state, could we not save a great deal of money AND water?

Why would we want to increase our use of dams in Idaho when there is so much controversy surrounding the four dams on the lower Snake?

Sincerely,

Karen M. Ward, Moscow and Twin Falls

Karen Ward
4961 Lenville Road
Moscow, ID 83843

Miller, Neeley

From: Marc Fleisher [marc.fleisher@gmail.com]
Sent: Wednesday, September 07, 2016 6:53 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

With regard to Idaho's water, please consider promoting conservation. Just because agricultural water users have the right should not give them permission to waste water. Households need to learn to conserve as well. Dams are not the answer. Nor is using water to generate power a good idea in the long run. Dams should go as Idaho transitions to better ways of generating power.

And what about the fish?

Marc Fleisher
2444 Blaine Rd
Moscow, ID 83843

Miller, Neeley

From: Ted Stout [ted.stout1@gmail.com]
Sent: Wednesday, September 07, 2016 8:54 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

Thank you for your good work on tackling water quality/quantity as the serious issues they are. Please take the next critical step by supporting conservation and sustainability as the way to a better future for this extremely dry state. If we dammed every river in the state it would never get us out of the sad situation that we are in. Both the Lost River and Big Wood Rivers are perfect examples of poor water management practices that need to be rectified. In-stream flows are critical for fish and for the people who live in these communities. If properly managed these streams and others could provide healthy ecosystems and an economic engine for sportsmen and others who love our unique fisheries. Please support conservation measures, the protection of free flowing rivers and the sustainability of our world-class fisheries. Please do not pass up this opportunity.

Thank you....

Ted Stout
310 First Street Picabo
Bellevue, ID 83313

Miller, Neeley

From: Jessica Gradhandt [jessgradhandt@gmail.com]
Sent: Wednesday, September 07, 2016 9:11 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

I'm writing to request that plans be put in place for the sustainability of Idaho's fisheries. Fishing is part of Idaho's outdoor way of life and a major contributor to our economy. Any long-term water management plan needs to specifically deal with protecting the health and sustainability of Idaho's native trout, steelhead, salmon, and less glamorous species. Additionally, I'd like to see plans to encourage people in Idaho to use less water, and how they can do that.

Thank you for your focus on protecting ground and drinking water quality. It's incredibly important to me and for my children.

Sincerely,
Jessica Gradhandt

Jessica Gradhandt
73 W East Way
Boise, ID 83702

Miller, Neeley

From: Joshua Butler [josh.butler@ch2m.com]
Sent: Wednesday, September 07, 2016 9:40 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

I appreciate the efforts to draft the Water Sustainability Policy. Water is key to our quality of life in Idaho. I'm writing to address my primary concerns: the lack of protection and consideration for our native fishes, river ecosystems, and recreational fisheries (the least important of these 3 elements). The draft policy puts too much emphasis on dams, and too little on protecting our precious river systems.

More dams are NOT the answer to protection of our water resources in Idaho. Conservation and education is the answer.

Respectfully,

Josh Butler

Joshua Butler
5172 Bainbridge Dr
Boise, ID 83703

Miller, Neeley

From: William Woodward [bill2243id@yahoo.com]
Sent: Thursday, September 08, 2016 9:04 AM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

I'm an Idaho citizen who has been an advocate of healthy ecosystems all my adult life. Idaho has wonderful natural resources that should be better conserved. I advocate more sustainable water use policies that will first address the need to use water wisely. With a real likelihood of severe droughts in the future that will be a by-product of climate change I think the conservation approach should be the primary focus. Both agriculture and residential water use can become much more efficient. Let's preserve our lakes and natural streams and rivers and focus on using our existing water resources wisely. Thank you,
William Woodward

William Woodward
2243 W Chateau Dr
Meridian, ID 83646

Miller, Neeley

From: Steve Smith [smithland8@hotmail.com]
Sent: Thursday, September 08, 2016 10:04 AM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,
While it's always good that we are talking about water conservation we need to remember that for a while Idaho had the distinction of having A great population of sea going Salmon even though it was 100's of miles from the ocean. While we still have make believe Salmon we can' afford to let other fish go the way of the Native Salmon. Please consider making some room in your policy for fisheries.

Steve Smith
10286 E. red rock rd.
Swan Lake, ID 83281

Miller, Neeley

From: Diane Ringler [dlring@myidahomail.com]
Sent: Thursday, September 08, 2016 11:04 AM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

One of the big issues in Idaho is the amount of water wasted on flood irrigation. I live in Island Park and have seen this first hand in areas like Ashton where water is not conserved. I also see water wasted in subdivisions in Island Park. people run their sprinklers in the middle of the day so the water just evaporates. People should be educated about water conservation. No wonder we use more water than most other states. With climate change, the weather is getting warmer and less rain is falling. Idaho needs to look at this summer as an example of things to come and make changes. But the answer is not more dams.
Idaho should also be concerned with sustaining their fisheries. With the recent problems in the Yellowstone area with non native species destroying native fish, Idaho needs to protect the fish important to the area.
I appreciate that the members are concerned about protecting the quality of ground water and drinking water.

Diane Ringler
4216 Mountain View Drive
Island Park, ID 83429

Miller, Neeley

From: Kam Majer [kammajer@hotmail.com]
Sent: Thursday, September 08, 2016 3:30 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

Thank you for the work you've done to protect Idaho waters for the benefit of the people of this state. I would encourage you to also consider how to best serve the interests of the fish, birds and animals who depend on these same waters for their individual survival and the survival of their species. Their well-being must be considered in all of the plans made for water usage.

Thank you for your attention to my concerns.

Sincerely,

Kam Majer, PhD

Kam Majer
1501 Westwood Drive
Sandpoint, ID 83864

Miller, Neeley

From: anthony appelhans [tony.appelhans@gmail.com]
Sent: Thursday, September 08, 2016 8:12 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

Water is the lifeblood of Idaho and thanks for giving it the attention it so deserves. I'm really happy to see that the sustainability of our choices is a major factor that you are considering. I am disappointed that there is no mention of keeping our fisheries sustainable. While dams should be a part of the picture, building and operating them in ways that maintain the integrity of the fishery and keep it sustainable must be included in their planning and implementation. We derive great spiritual and financial benefit from our fisheries and should protect them so our children and grandchildren can share in this great part of living in Idaho. Thanks so much for giving our water quality a high priority.

anthony appelhans
6643 s limousin ave
idaho falls, ID 83404

Miller, Neeley

From: Lisa Fitzner [Lefitzner@aol.com]
Sent: Friday, September 09, 2016 3:03 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

Having worked as a fisheries biologist on the coast of Washington, I know first hand, the positive effect that sport fishing can have in the economy. Take a look at the gear; boats, fishing equipment, Patagonia jackets etc....It is substantial.

In addition to working on the coast, I also worked at McNary Dam. The Snake River dams are antiquated and should be removed.

Let's boost the economy of Idaho's rural areas with sustainable use of our natural resources. Prioritze conservation of water and fish resources over environmentally destructive dams.

Sincerely,

Lisa Fitzner

Lisa Fitzner
19947 W Coeur d Alene LK Shr
Coeur d Alene, ID 83814

Miller, Neeley

From: Brennan Henry Allsworth [brennanallsworth@gmail.com]
Sent: Friday, September 09, 2016 9:19 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

I appreciate your efforts in the writing of this policy. I also appreciate your willingness to think of the long term and sustainable aspects of such a policy.

Furthermore, I hope you consider and fully evaluate with the knowledge you have the benefits that the draft water sustainability policy can have for current and future generations of Idahoans and their access to clean water.

Thanks.

Brennan Henry Allsworth
3015 S. Crater Place
Meridian, ID 83642

Miller, Neeley

From: Nathaniel Role [nattyrole@hotmail.com]
Sent: Monday, September 12, 2016 4:02 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

Please consider raising the cost of irrigation, as many farmers and ranchers currently have little to no incentive to conserve water.

Additionally, the construction of new dams has NO PLACE in the state of Idaho, given their threat to current fisheries and related jobs. If anything, we should be phasing out certain dams due to the threat they pose to Idaho's fisheries. Integrating fishery management into water use plans should be of importance.

Thanks for your consideration.

Nathaniel Role
322 W. 6th Ave.
Clark Fork, ID 83811

Miller, Neeley

From: Kevin Moore [klmlobo7773@gmail.com]
Sent: Tuesday, September 13, 2016 11:17 AM
To: SWP
Attachments: IMG_20160912_113331745.jpg

Mr. Tim Elsea
Bonner County Road and Bridge Department
123 South First Avenue
Sandpoint, Idaho 83864

Dear Mr. Elsea:

This concerns your proposed placement of fill material and rock riprap in Cocolalla Creek, associated with the installation of a culvert and widening of Blacktail Road. This project was the subject of your March 11, 1998 Joint Application for Permit, Idaho State No. 96-S-352.

Á_ _ _ _ÁOn May 22, 1998, we received your revised drawings. Based on this and the information contained in your application, your project is authorized under the terms and conditions of Nationwide Permit 3 (33 CFR 330, Appendix A) subject to the enclosed list of conditions and the following special conditions:

Á_ _ _ _Áa. Work in Cocolalla Creek shall be conducted during low flow conditions after July 1 and before April 1.

Á_ _ _ _Áb. The culvert extension must be installed in a manner which allows for fish passage at all times.Á_È_È_"_Á

Please carefully review these conditions. If you cannot meet them or if you change the project described in your permit application, this nationwide permit verification is not valid. You should contact us for our approval before modifying your project. We have enclosed a Compliance Certification for you to sign and return when you have completed work.

This notification is valid for 2 years from the date of this letter unless the nationwide permit is modified, reissued, or revoked. However, it will remain valid until that date if the nationwide permit is reissued without modification or your proposed project complies with the modified nationwide permit. If you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you Ô_____)_____0*0*0~°_°____ÒŒÁis_i_)_Á©2©f

will have 12 months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

This determination applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other federal, state, and local agencies. A permit may be required from the Idaho Department of Water Resources for your project. You should contact them to obtain any necessary permits prior to the start of construction.

Please contact me at 208076507256 if you have any questions.

Sincerely,

Gregg A. Rayner
Regulatory Project Manager

Enclosures

Copies Furnished:

Idaho Department of Water Resources
Northern Region
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, Idaho 83814-8255

Gwen Fransen, Regional Administrator
Idaho Department of Health and Welfare
Division of Environmental Quality
2110 Ironwood Parkway
Coeur d'Alene, Idaho 83814

12-750.2

FLOODWAY:	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').
FREEBOARD:	A factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard shall compensate for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.
LOCAL GOVERNMENT:	Any county or city having planning and zoning authority to regulate land use within its jurisdiction.
LOWEST FLOOR:	The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of section 12-754.3 of this chapter.
MANUFACTURED HOME:	A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" shall also include park model trailers, but does not include a "recreational vehicle".

As a CITIZEN It is really sad,that this fiasco has come down to this- starting in 07 I reached out to a variety of entities all of which I was sure would have a desire and interest in my contention (inadequate conveyance) each having their own particular connection-COE,IDWR,IDEQ,BC SC,BC RB,BC PZ,FEMA,EPA and others did any of these entities look into my assessment was(is) it not part of their duty to look into water quality,soil conservation,flooding possibilities I contend that if ANY or ALL had looked into my position,this would have been rectified before now-what might be some of the retroactive possibilities(previous owners,etc) This is a unique little spot where the infrastructure of a highway,railroad,county road and private property all come together(with a year round creek-wetlands) It is well known that this spot becomes a catch basin(impounding),that does not serve well,any or all With doing much exploratory(FOIA) I was able to find documentation showing-at least- negligence- three entities received 404's in 98 with questionable figures(IDT also did some sign off) with this "reaccuring" undue,unnatural water accumulation (spring thaw-or "rain event") I seem to not have the reasonable due for the "enjoying" of my own personal property(5th Amend-inverse condemnation/regulatory taking) This (w)could be considered a "taking" and compounded by/with as a "nuisance" There is a manmade dike(previous) around my residence- the natural lay of the land upstream of the culvert wants to avert the high water away from my residence-the problem is that the conveyance(size) does not let proper amounts of water to more naturally flow down stream,hence back up/flooding

HEADWATER - allowable headwater must not damage upstream property head water elevations shall be established to delineate potential flood zones FIFTH AMEND.- FORTEENTH AMEND. REGUALATORY TAKING but regulation may deprive an owner of most or all beneficial use of his property and may destroy the value of the property for the purpose of what it is suited established a "general principle" that if a regulation goes too far it will be recognized as a taking a "taking"may more readily be found when the interference with property can be characterized as a physical invasion by government than when interference arises from some public program adjusting the benefits and burdens or economic life to promote the common good for they deny a property owner "economically viable use of his land nor be deprived of life, liberty, or property without due process of the law; nor shall private property be taken for public use, without just compensation

Failed in design capacity liability in inverse condemnation for unintended physical damage is proper when the damage resulted from a public entity's ownership, maintenance and or use of a public improvement when a public agency fails to construct or maintain its improvement properly, it takes a calculated risk that damage to private property may occur if damage to priv. prop. results: it is proper to require the entity that took this risk to bear the loss when damage occurs One court long ago anticipated the so called condemnation by nuisance this way: whether you flood the farmers field, so they cannot be cultivated, or ... so that they cannot be occupied in comfort, you equally take away the owners property. In neither instance has the owner any less of material things than he had before, but in each case the utility of his property has been impaired by a direct invasion of the bounds of his private dominion. This is the taking of his property in a constitutional sense PENNSYLVANIA RR vs ANGEL

Definition in accord It may be anything which substantially deprives one of the use and enjoyment of his property or portion thereof PHELPS v BD of SUPERVISORS of CO.of MUSCATINE ...holding that construction of a bridge and causeway over river in such a manner as to allegedly cause greater flooding on adjacent property than previously was a "taking" this amounts to taking of private property for public use without the payment of just compensation in violation of the Fifth Amend The Fifth Amend. "has never been supposed to have any bearing upon,or to inhibit laws that indirectly work harm and loss to individuals"the Court explained. When power is exercised it can only be done by giving the party whose property is taken or whose use and enjoyment of such property is interfered with,full and adequate compensation / the Fifth Amend. guarantee "that private property shall not be taken for a public use without just compensation was designed to bar gov't from forcing some people alone to bear public burdens which,in all fairness and justice,should be borne by the public as a whole

Thus a "taking" may be found if the effect of regulation is enrichment of the govt itself rather than adjustment of the benefits and burdens of the economic life in promotion of the public good Similiarly,the Court looks askance at Governmental efforts to secure benefits at a landowners expense...Govt actions that may be characterized as acquisitions of resources to permit or facilitate uniquely public functions. The Fifth Amend."has never been supposed to have any bearing upon, or to inhibit laws that indirectly work harm and loss to individuals" Just Compensation..When power is exercised it can only be done by giving the party whose property is taken or whose "use and enjoyment" of such property is interfered with,full and adequate compensation The 5thAmend. guarantee "that private property shall not be takenfor a public use without just compensation was designed to bar Govt from forcing some people alone to bear public burdens which,in all fairness and justice,should be borne by the public as a whole

by the EPA timeframes for providing comments to the Corps.

(f) Wetlands Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps. For NWP 29 see paragraph (b)(6)(iii) for parcels less than 0.5 acres in size. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 30-day period (45 days for NWP 26) will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

(g) Mitigation: Factors that the District Engineer will consider when determining the acceptability of appropriate and practicable mitigation include, but are not limited to:

(i) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes;

(ii) To the extent appropriate, permittees should consider mitigation banking and other forms of mitigation including contributions to wetland trust funds, "in lieu fees" to organizations such as The Nature Conservancy, state or county natural resource management agencies, where such fees contribute to the restoration, creation, replacement, enhancement, or preservation of wetlands. Furthermore, examples of mitigation that may be appropriate and practicable include but are not limited to: Reducing the size of the project; establishing wetland or upland buffer zones to protect aquatic resource values; and replacing the loss of aquatic resource values by creating, restoring, and enhancing similar functions and values. In addition, mitigation must address wetland impacts, such as functions and values, and cannot be simply used to offset the acreage of wetland losses that would occur in order to meet the acreage limits of some of the NWPs (e.g., for NWP 26, 5 acres of wetlands cannot be created to change a 6-acre loss of wetlands to a 1 acre loss; however, 2 created acres can be used to reduce the impacts of a 3-acre loss.).

14. Compliance Certification: Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include: a. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; b. A statement that any required mitigation was completed in accordance with the permit conditions; c. The signature of the permittee certifying the completion of the work and mitigation.

15. Multiple Use of Nationwide Permits: In any case where any NWP number 12 through 40 is combined with any other NWP number 12 through 40, as part of a single and complete project, the permittee must notify the District Engineer in accordance with paragraphs a, b, and c on the "Notification" General Condition/ number 13. Any NWP number 1 through 11 may be combined with any other NWP without notification to the Corps, unless notification is otherwise required by the terms of the NWPs. As provided at 33 CFR 330.6(c) two or more different NWPs can be combined to authorize a single and complete project. However, the same NWP cannot be used more than once for a single and complete project.

Section 404 Only Conditions

In addition to the General Conditions, the following conditions apply only to activities that involve the discharge of dredged or fill material into waters of the U.S., and must be followed in order for authorization by the NWPs to be valid:

1. Water Supply Intakes: No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.

2. Shellfish Production: No discharge of dredged or fill material may occur in areas of concentrated shellfish production, unless the discharge is directly related to a shellfish harvesting activity authorized by NWP 4.

3. Suitable Material: No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

4. Mitigation: Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e., on-site), unless the District Engineer approves a compensation plan that the District Engineer determines is more beneficial to the environment than on-site minimization or avoidance measures.

5. Spawning Areas: Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

6. Obstruction of High Flows: To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

7. Adverse Effects From Impoundments: If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

8. Waterfowl Breeding Areas: Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

9. Removal of Temporary Fills: Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

[FR Doc. 96-31645 Filed 12-12-96; 8:45 am]
BILLING CODE 3710-92-P

Where, in an action against a school district for negligent retention of a teacher known to be a child molester, the plaintiffs asserted that during a pre-sentence investigation of the teacher, they discovered that the school district had retained the teacher even after knowing of his illicit tendencies and they then filed their claims in less than 120 days (now 180 days), notice for the adult plaintiffs' claims was entirely adequate. Doe v. Durtschi, 110 Idaho 466, 716 P.2d 1238 (1986) (decision prior to 1985 amendment).

In an action for damages caused by the city's wrongful issuance of stop-work orders and a temporary injunction against the plaintiff's continued construction of its apartment complex, the wrongs occasioned by the city were of a continuing nature, but ceased when the temporary injunction and stop-work orders were lifted by the court order; therefore, the plaintiff's filing of its notice of claim was not timely where it was filed more than 120 days after the court order was issued. Intermountain W., Inc. v. Boise City, 111 Idaho 878, 728 P.2d 767 (1986) (decision prior to 1985 amendment).

Nuisance Claim.

Trial court improperly granted a city's motion to dismiss a suit brought by property owners alleging tort claims arising out of problems associated with an adjacent, unpaved road; the speeding cars and the dust caused by the road were continuous so the limitations period provided in the Idaho Tort Claims Act (ITCA) was not applicable, and the property owners should have been allowed to amend their complaint to include a claim for nuisance, which was not governed by the ITCA. Cobbley v. City of Challis, 138 Idaho 154, 59 P.3d 959 (2002).

Purpose.

The purpose of the Tort Claims Act is to (1) save needless expense and litigation by providing an opportunity for amicable resolution of the differences between parties, (2) allow authorities to conduct a full investigation into the cause of the injury in order to determine the extent of the state's liability, if any, and (3) allow the state to prepare defenses. Friel v. Boise City Hous. Auth., 126 Idaho 484, 887 P.2d 29 (1994).

Collateral References. 56 Am. Jur. 2d, Municipal Corporations, Counties and Other Political Subdivisions, §§ 629 — 746.

63 C.J.S., Municipal Corporations, §§ 817 — 844.

6-906A. Time for filing claims by minors. — No person who is a minor shall be required to present and file a claim against a governmental entity or its employee under this chapter until one hundred eighty (180) days after said person reaches the age of majority or six (6) years from the date the claim arose or should reasonably have been discovered, whichever is earlier. [I.C., § 6-906A as added by 1985, ch. 77, § 1, p. 151; am. 1994, ch. 349, § 1, p. 1109.]

Cited in: Walker v. Shoshone County, 112 Idaho 991, 739 P.2d 290 (1987).

ANALYSIS

Amended complaint.
Applicability.
Failure to file timely notice.
Purpose.

Amended Complaint.

An Idaho Tort Claims Act claim that was contained in an amended complaint was incorrectly ruled to relate back to original complaint and should not have been denied as premature. Farnworth v. Femling, 125 Idaho 283, 869 P.2d 1378 (1994), cert. denied, 513 U.S. 816, 115 S. Ct. 73, 130 L. Ed. 2d 28 (1994).

Applicability.

This section, not § 6-1701, the statute of limitations for filing tort actions in child abuse cases, applied to a sexual abuse claim brought by a minor against a school district and teacher. Osborn v. Salinas, 131 Idaho 456, 958 P.2d 1142 (1998).

Failure to File Timely Notice.

Failure to file a notice of tort claim was fatal to a suit against the University of Idaho which arose from injuries sustained by a minor who fell from a catwalk in a university gymnasium; the suit was filed eight years after the accident and 18 months after the minor became an adult. Banks v. University of Idaho, 118 Idaho 607, 798 P.2d 452 (1990).

Purpose.

This section makes clear both the legislature's intent to protect minor claimants from the running of the notice time period, and its intent to apply the precise policy of § 5-230, including the six-year maximum, to notice requirements. Doe v. Durtschi, 110 Idaho 466, 716 P.2d 1238 (1986).

d. If the culvert or bridge design is impractical for the site, the crossing may be designed with additional flow capacity outside the actual crossing structure, provided there is no increase in the Base Flood Elevation.

(NOTE: When flow data on a particular stream is unavailable, it is almost always safe to maintain the existing gradient and cross-section area present in the existing stream channel. Comparing the proposed crossing size with others upstream or downstream is also a valuable means of obtaining information regarding the size needed for a proposed crossing.)

e. Minimum clearance shall be at least one (1) foot at all bridges. This may need to be increased substantially in the areas where ice passage or debris may be a problem. Minimum culvert sizes required for stream crossings: (1) 18" diameter for culverts up to 70 feet long. (2) 24" diameter for all culverts over 70 feet long.

f. In streams where fish passage is of concern as determined by the director, an applicant shall comply with the following provisions and/or other approved criteria to ensure that passage will not be prevented by a proposed crossing.

g. Minimum water depth shall be approximately eight (8) inches for salmon and steelhead and at least three (3) inches in all other cases.

h. Maximum flow velocities for streams shall not exceed those shown in Figure 17 in Appendix XVIII (or see "Forms, Appendicies, Charts, Graphs, Etc..." Idaho Administrative Bulletin, July 1, 1993, Volume 93-1, Page 37-202), for more than a 48-hour period. The curve used will depend on the type of fish to be passed.

i. Where it is not feasible to adjust the size or slope to obtain permissible velocities, the following precautions may be utilized to achieve the desired situation.

j. Baffles downstream or inside the culvert may be utilized to increase depth and reduce velocity. Design criteria may be obtained from the Idaho Fish and Game Department.

k. Where multiple openings for flow are provided, baffles or other measures used in one opening only shall be adequate provided that the opening is designed to carry the main flow during low-flow periods.

05. Construction of Crossings. When crossings are constructed in erodible material, upstream and downstream ends shall be protected from erosive damage through the use of such methods as dumped rock riprap, headwall structures, etc., and such protection shall extend below the erodible streambed and into the banks at least two (2) feet unless some other provisions are made

Staples Copy Center #942

From: kevin moore [kimlobo7773@yahoo.com] **Sent:** Mon 6/25/2012 12:26 PM
To: Staples Copy Center #942
Cc:
Subject: Fw: RE: Request for watershed size on Cocolalla cr (UNCLASSIFIED)
Attachments:

--- On Thu, 6/21/12, Burgan, Michael A NWW *<Michael.A.Burgan@usace.army.mil>* wrote:

From: Burgan, Michael A NWW <Michael.A.Burgan@usace.army.mil>
Subject: RE: Request for watershed size on Cocolalla cr (UNCLASSIFIED)
To: "kimlobo7773@yahoo.com" <kimlobo7773@yahoo.com>
Date: Thursday, June 21, 2012, 1:49 PM

Mr. Moore,

Here is the watershed size for Cochalalla Creek at various points along the creek. Based on Streamstats (a USGS website, http://water.usgs.gov/osw/streamstats/idaho.html), the watershed for Cocholalla Creek is 16,755 square acres.

Streamstats is a website open to the public that can provide various kinds of information on streams and watershed. To determine watershed size, use the "Interactive Map" feature on the webpage provided above. Zoom into area you are interested in (in this case, the intersection of Blacktail Rd and Highway 95). Using the watershed delineation tool - the button with the solid black circle with a + sign to the lower right of the black circle (12th button from the left, or 7th button from the right), put the curser at the point Cocholalla Creek goes under Blacktail Rd. Once loaded, use the button to the right of the watershed button (looks like a table with a question mark) to get the size of the watershed.

I'm still waiting on a copy of the file for the NWP3 from 1998.

If you have any questions, give me a call.

Mike Burgan
Environmental Resources Specialist
Coeur d'Alene Regulatory Office
(208) 765-8139

-----Original Message-----
From: Slate, Shane P NWW
Sent: Tuesday, April 17, 2012 8:34 AM
To: Burgan, Michael A NWW
Subject: RE: Request for watershed size on Cocolalla cr (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Wasn't sure if you wanted the overall watershed from the PO river inlet or cocalla lake inlet so I did both.

From PO River is 58,713 Acres
From Cocalla Lake is 31,437 acres
From Blacktail Rd is 16,755 acres

Shane

-----Original Message-----
From: Burgan, Michael A NWW
Sent: Monday, April 16, 2012 11:28 AM
To: Slate, Shane P NWW
Subject: Request for watershed size on Cocolalla cr

Shane,

Can you look up the watershed (acreage) for Cocolalla Creek, both the entire watershed and also Cocolalla Cr above the first crossing of Blacktail Rd? Thanks,

X

U.S. ARMY CORPS OF ENGINEERS
AND
ST/ OF IDAHO, DEPARTMENT OF WATER RESOURCES
/ATE OF IDAHO, DEPARTMENT OF LANDS

Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section ...ese laws require permits authorizing structures and work in or affecting navigable waters of the Uni... dredged or fill material into waters of the United States, including their adjacent wetlands. Stat... the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lak... protec- 58-142 et. seq, Idaho Code. This application will meet the requirements of the above agencies.

Engineers #	2. State of Idaho # 96-S-352
Received	Date Received 3/13/98
	No Fee Received 3/13/98

PLEASE TYPE OR PRINT

...plicant has sent copies of this application to the agencies checked: ID Dept. Water Res. - Boise ____, Coeur d'Alene X, ...alls____, Idaho Falls____; ID Dept. Lands - Boise____, Coeur d'Alene X; Corps of Engineers - Walla Walla____.

1. Applicant Bonner County Road Department
Mailing Address 123 S. First Ave.
Sandpoint, ID 83864
Work Phone (Area 208) 263-8899 Home (Area) ____
Fax Number (208) 263-9751

4. Authorized Agent Tim Elsea
Mailing Address Same
Work Phone (Area) ____ Home (Area) ____
Date of Application 3/2/98

...cation where proposed activity exists or will occur.

...terway Cocolalla Creek
Tributary of: ____
...Caraywood
...or near city or town
Assessor's Desc. (Tax No. or Subdivision, Lot & Block No.)
*East 1/2 ____ ____ *(See Instructions)

Bonner ... ID 83864
...unty State Zip Code
1/4 1/4 12 Section 54N Township 3W Range

...scribe the proposed activity, including description of the type of structures, if any, to be erected on fills, or pile or ...oat-supported platforms. If additional space is needed, use a separate sheet or Section 16 (Remarks).

12' arched extension, fill to align Blacktail Road more perpendicular to Hwy 95 and to obtain needed width

...scribe construction methods and equipment: A track mounted excavator will be used to excavate at the end of the existing culvert (approx. 1' deep) to allow for the placement of a concrete form. The trackhoe will then be used to place the extension. 4' minus riprap will secure the extension in place and a concrete collar will be poured around the junction. Rip rap will be placed for approx. 305' to widen the base of the road.

...gth of project along the stream or extension into lake or reservoir: 50 feet

...eam gradient: 2%

...l material be placed: Waterward of ordinary high water mark? yes In Wetlands? yes

...e of fill material: 4' minus rip rap (i.e. sand, etc.) Material Source: Linscott's Pit

...ume of material to be placed: Approx. 600 cy (cubic yards)

...l excavation by required? yes, minor Disposal Location: Off-site (State pit on Bayview)

...hod of diverting flow, if needed: ____

...hod of controlling turbidity: Use clean rip rap fill material.

...e and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles):
...aho Department of Water Resources requirement.)
270 C.F.S. ~ 1350 MILES - (EXISTING CULVERT HAS TRADITIONALLY CARRIED THESE FLOWS

(REV)

waters of the U.S., and must be followed in order for authorization by the NWPs to be valid:

1. *Water supply intakes.* No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.

2. *Shellfish production.* No discharge of dredged or fill material may occur in areas of concentrated shellfish production, unless the discharge is directly related to a shellfish harvesting activity authorized by NWP 4.

3. *Suitable material.* No discharge of dredged or fill material may consist of unsuitable material (*e.g.*, trash, debris, car bodies, asphalt, *etc.*,) and material discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

4. *Mitigation.* Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (*i.e.*, on-site), unless the District Engineer approves a compensation plan that the District Engineer determines is more beneficial to the environment than on-site minimization or avoidance measures.

5. *Spawning areas.* Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

6. *Obstruction of high flows.* To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

7. *Adverse effects from impoundments.* If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

8. *Waterfowl breeding areas.* Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

9. *Removal of temporary fills.* Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

Further Information:

(1) District Engineers have authority to determine if an activity complies with the terms and conditions of a Nationwide Permit (NWP).

(2) NWPs do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.

(3) NWPs do not grant any property rights or exclusive privileges.

(4) NWPs do not authorize any injury to the property or rights of others.

(5) NWPs do not authorize interference with any existing or proposed Federal project.

CULVERT SIZING TABLE — I

USE FOR NORTH IDAHO AND THE SALMON RIVER DRAINAGE

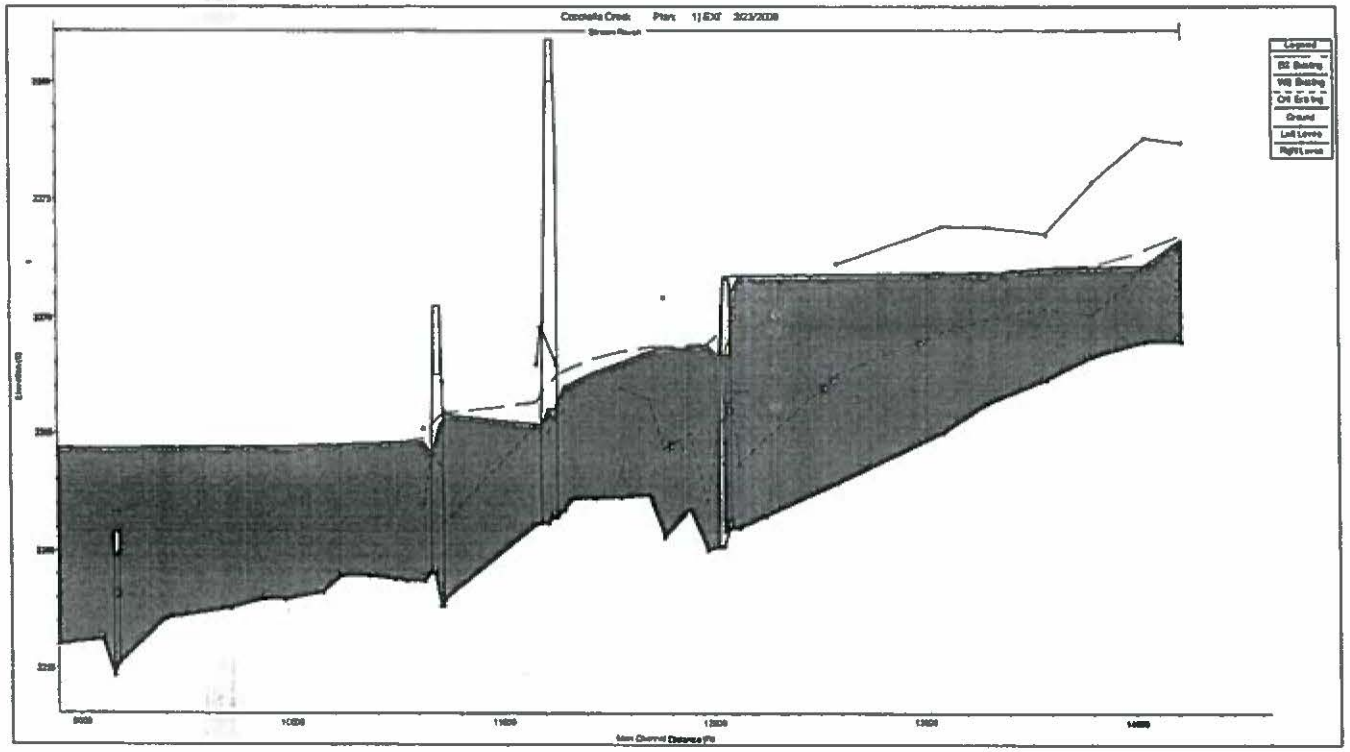
This culvert sizing table will be used for the area of the state north of the Salmon River and within the South Fork Salmon River drainage. It was developed to carry the fifty (50) year peak flow at a headwater-to-diameter ratio of one (1).

Watershed Area (acres)	Required Culvert Diameter (inches)	Culvert Capacity (in cubic feet/sec)
Less than 32	18	6
33 – 74	24	12
75 – 141	30	20
142 – 240	36	32
241 – 366	42	46
367 – 546	48	65
547 – 787	54	89
788 – 1027	60	112

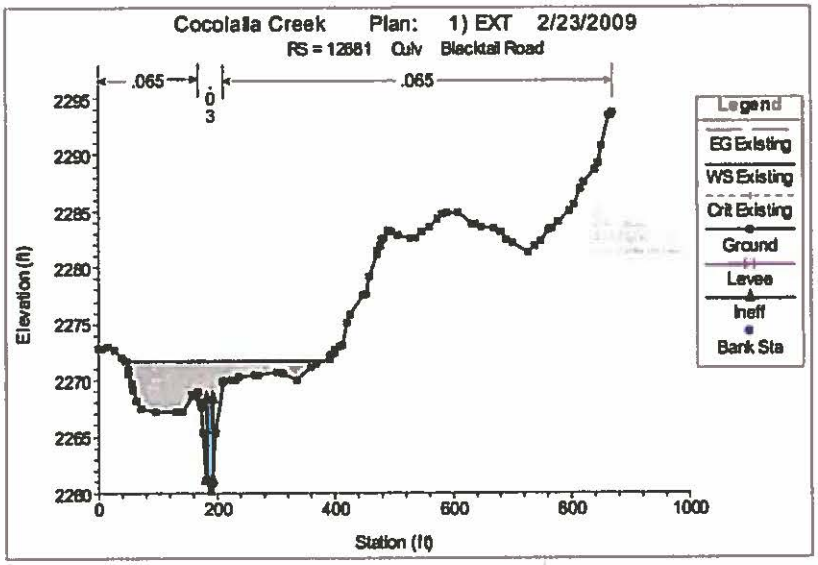
Strongly consider having culverts larger than 60 inches designed, or consider alternative structures such as bridges, mitered culverts, arches, etc.

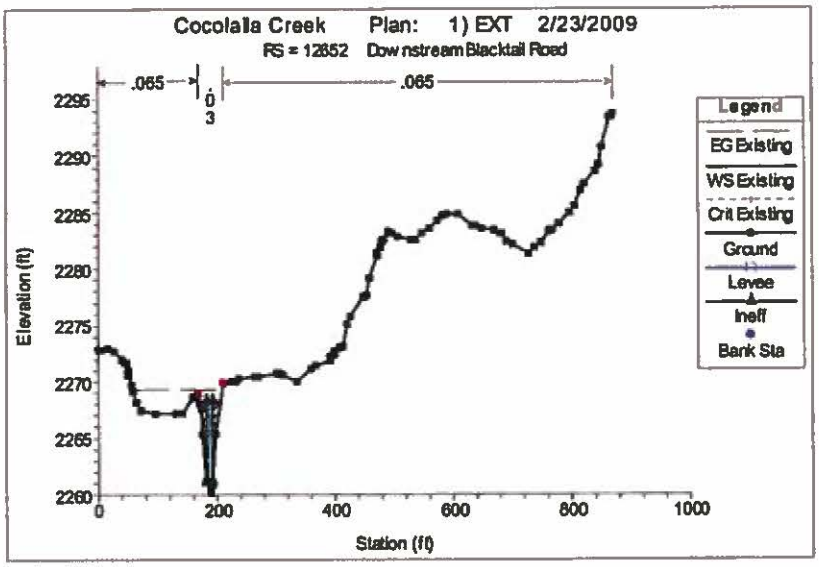
1028 – 1354	66	142
1355 – 1736	72	176
1737 – 2731	84	260
2732 - 4111	96	370
4112 – 5830	108	500
5831 – 8256	120	675

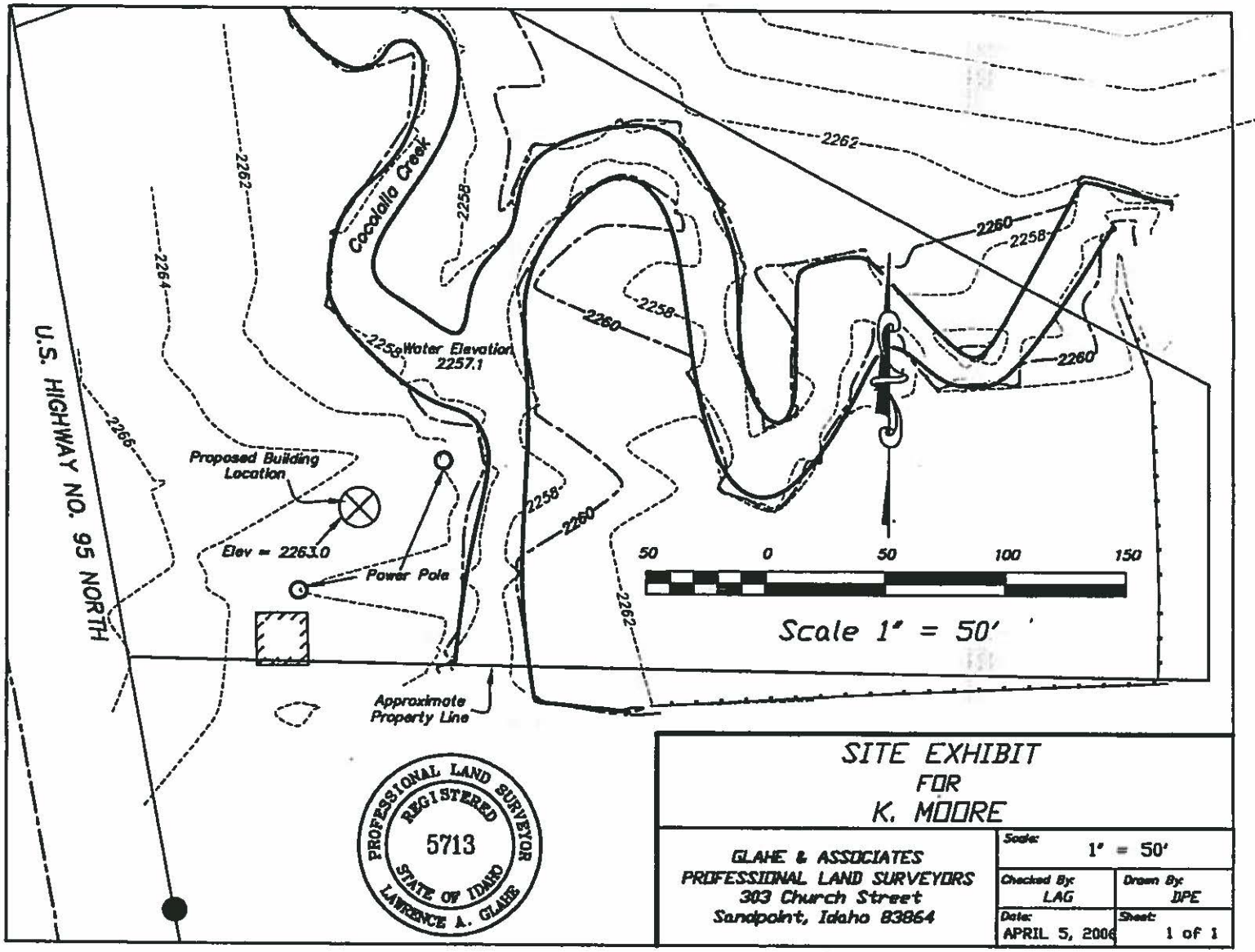
Culverts larger than one hundred twenty (120) inches must be designed; consider alternative structures. (4-5-00)



HEC-RAS Profile Plot of Cocolalla Creek Existing Conditions (2009) at Flow of 678 cfs. Rightmost crossing is Blacktail Road, downstream is US-95, Railroad, and a driveway with culverts.


Cocolalla Creek Plan: 1) EXT 2/23/2009
RS = 12681 Culv Blacktail Road
.065
.065
0
3
Elevation (ft)
2295
2290
2285
2280
2275
2270
2265
2260
0
200
400
600
800
1000
Station (ft)
Legend
EG Existing
WS Existing
Crit Existing
Ground
Levee
Ineff
Bank Sta


Cocolalla Creek Plan: 1) EXT 2/23/2009
RS = 12652 Downstream Blacktail Road
.065
.065
0
3
Elevation (ft)
2295
2290
2285
2280
2275
2270
2265
2260
0
200
400
600
800
1000
Station (ft)
Legend
EG Existing
WS Existing
Crit Existing
Ground
Levee
Ineff
Bank Sta



SITE EXHIBIT
FOR
K. MOORE

GLAHE & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
303 Church Street
Sandpoint, Idaho 83864

Scale: 1" = 50'	
Checked By: LAG	Drawn By: DPE
Date: APRIL 5, 2006	Sheet: 1 of 1

Dec 8, 2009

Response to complaint of violation of placing accessory structures, encroachment and fill being placed and dredging.

Disclaimer: We have not sought legal advice and do not make any or do we accept any claims of illegal activity or wrongdoing.

Statement: With the implementation of FEEMA guidelines in Dec. 2008 the citizens that live in the existing Pack River floodplain (now designated as Floodway) have been disenfranchised and had their private property rights diminished. This action purported to provide emergency protection (?) and provide public money's to support homeowner flood insurance significantly reduces the property values and restricts ownership rights, freedom, and common sense use of their existing property. At no time were we notified of changes in building requirements, nor were the contractor, surveyors or building engineers we contacted.

BONNER COUNTY
DAILY BEE

Today is Tuesday

Mostly sunny

Highs 70s/A11

MAY 19, 2015

1 DOLLAR NEWSSTAND

VOL. 48 NO. 311

18 PAGES

WWW.BONNERCOUNTYDAILYBEE.COM

HOME-DELIVERED FOR 49¢ PER DAY OR LESS

FEMA grant enables removal of home in floodway

By KEITH KINNAIRD
News editor

SANDPOINT — The saga of a home built in a floodway at the confluence of Pack River and Grouse Creek is drawing to a close.

Bonner County is receiving a $508,935 pre-disaster mitigation grant from the Federal Emergency Management Agency to raze the home and restore the property to its natural state.

"This is the culmination of six years worth of work," Bonner County Planning Director Clare Marley.

The now-defunct county building department approved the construction of the 3,700-square-foot home in 1994, but FEMA later determined there was no required analysis of the home's impact on the base flood elevation.

The tony home jeopardized Bonner County's standing in the National Flood Insurance Program. More than 200 landowners in Bonner County rely on NFIP.

A neighboring landowner also claimed that improvements to the property was deflecting the Pack River to their property and causing it to erode, although Marley said those claims were never proven.

The county initially sought a FEMA hazard mitigation grant to demolish the home, but the request was denied. The county subsequently sought an alternate source of FEMA funding and the request was approved.

See GRANT, Page 3

Clare Marley

From:	Clare Marley
Sent:	Monday, July 23, 2012 12:24 PM
To:	Riebau, Mark
Cc:	Wood-McGuiness, Karen; Farmer, Deborah L
Subject:	RE: 3046 Colburn Culver Road, Sandpoint, ID
Attachments:	IMGP9429.JPG; DSCN6240.JPG; DSCN6243.JPG

Mark: Thank you for the email. We lost power for the rest of Friday due to windstorms, so I was unable to reply to until today. Attached are a couple of photos of this spring's flooding at the Stobie property. The aerial photo is May 2, 2012; the photo of flooding in the front and back yards of the Stobie residence was taken April 27, 2012.

I will discuss this latest correspondence with our Board of Commissioners and deputy prosecuting attorney and keep in touch with you and Karen. Clare

From: Riebau, Mark [mailto:Mark.Riebau@fema.dhs.gov]
Sent: Friday, July 20, 2012 3:02 PM
To: Clare Marley
Cc: Wood-McGuiness, Karen; Farmer, Deborah L
Subject: 3046 Colburn Culver Road, Sandpoint, ID

Ms. Marley – This will confirm the conversation Karen Wood-McGuiness and I had with you this morning regarding eligibility for Hazard Mitigation Assistance (HMA) grants to enable the County to acquire the subject property. In January, at your request, Jamie Huff consulted the HMA Branch and reported to you that the 2010 Hazard Mitigation Assistance Unified Guidance would preclude this property from being eligible for any HMA grant. Subsequent to receipt of additional information from you in May, 2012 regarding the property I requested a review of their decision. I have been advised that since the current property owner was not responsible for any of the development that is at issue in this case the prohibition cited above does not apply. The prohibitions within the guidelines are intended to prevent a land owner or developer from intentionally violating the terms of the NFIP hoping to secure government financial assistance to bring a new structure into compliance. This situation is not the "...result of negligence or intentional actions..." by the current owner so the prohibition does not apply.

You mentioned during our conversation that the current owner does not have a flood insurance policy and has been advised that they are unable to purchase one. Please note there is nothing that prevents the owner of this property from purchasing flood insurance through the National Flood Insurance Program. While Bonner County submitted a request on May 15, 2012 to FEMA to declare this property ineligible for the purchase of flood insurance under Section 1316 of the National Flood Insurance Act of 1968 FEMA cannot declare this property ineligible. Section 1316 can only be exercised by FEMA when the structure, or structures, in question has not been permitted by the participating community. We strongly encourage the owner to purchase flood insurance. If the owner has any questions regarding the availability of flood insurance please have them contact Deborah Farmer of this office at 425-487-2023 or via e-mail at deborah.farmer@fema.dhs.gov. Ms. Farmer is the Region's Flood Insurance Specialist and can assist them obtain proper coverage. Ms. Farmer has been cc'd on this message.

Finally, we apologize for not replying to your May 15, 2012 letter. Jamie Huff has left the Mitigation Division to accept a new position within FEMA and we have not been able to fill the vacancy created by her departure. Ms. Wood-McGuiness will be picking up Jamie's responsibilities until we are able to fill the vacancy.

Mark Riebau, PE, CFM
Chief, Floodplain Management & Insurance Branch
FEMA Region X – Bothell, WA

YAHOO! MAIL
Classic

Fw: BONNER COUNTY 2

Friday, April 26, 2013 11:41 AM

From: "kevin moore" <kimlobo7773@yahoo.com>
To: kimlobo7773@yahoo.com

--- On Tue, 12/11/12, kevin moore <*kimlobo7773@yahoo.com*> wrote:

From: kevin moore <kimlobo7773@yahoo.com>
Subject: BONNER COUNTY 2
To: kimlobo7773@yahoo.com
Date: Tuesday, December 11, 2012, 2:29 PM

"punitive damages" are awarded only in the face of conduct on the part of the defendant which society considers so reprehensible as to require an extraordinary remedy The ID Supreme Ct has determined that punitive damages are appropriate when there is a "bad act and bad state of mind" the standard specifically includes"acting to violate anothers legal right...or the purpose of enjoying..or "acting in disregard"..of the known property rights So long as the evidence shows that there has been an injury to the Plaintiff from an act which is an extreme deviation from reasonable standards of conduct,and that the act was performed by the Defendant with an understanding of or a disregard for its legal consequences...it is appropriate for the trier of fact to award punitive damages Defendents have not expressed any intent (to check for proper engineering)-opening size-cfs-comparative eng. Idaho Code 6-1604(1)Reasonable likelihood of proving,by a preponderance of the evidence,oppresive,fraudulent,wanton,malacious or outrageous conduct-if these are met,the court must allow amend...punitive damages(Payne v Wallace) Id Code 39-102(1) It is hereby recognized ..that the protection of the environment and the promotion of personal health are vital concerns...and to thereby protect and promote...and general welfare of the people of this state Environmental Law-a body of State and Federal statutes intended to protect the environment,wildlife,land,beauty,prevent pollution,over-cutting of forests,save endangered species...these laws often give individuals and groups right to bring legal actions...or demand revisions of private and public activity which may have detrimental effects on the environment strict liability

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. Does not apply in Idaho.

18. Suitable Material. No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

19. Mitigation. The project must be designed and constructed to avoid and minimize adverse effects to waters of the United States to the maximum extent practicable at the project site (i.e., on site). Mitigation will be required when necessary to ensure that the adverse effects to the aquatic environment are minimal. The District Engineer has considered the remaining factors discussed in this General Condition and determined that the mitigation, as proposed, will offset adverse effects on the aquatic environment that are more than minimal.

20. Spawning Areas. Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and must not increase water flows from the project site, relocate water, or redirect water flow beyond preconstruction conditions. In addition, the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows.

22. Adverse Effects From Impoundments. If the activity, including structures and work in navigable waters of the United States or discharge of dredged or fill material, creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

percentage that will be allowed is the [illegible]
be allowed up to 20%. These types of fertilizers are also available at [illegible]
farm and garden stores or feed stores.

Mulch can be a made from grass, wheat, or oat straw, woodfibers (not bark), or rock (21/2 inch to 3/4 inch, fractured or crushed rock). Mulch should be spread out to provide even coverage over the seed and fertilizer to protect them and the soil from erosion while the seed is germinating and growing (rock mulch does not need to be more than one to two inches in depth).

- Use appropriate Best Management Practices (BMP's) to control erosion and resulting sediment. Typical practices that can be used for erosion control (soil surface protection) are; erosion control blankets, tackified mulches of straw, wood fiber, paper fiber or weed free grass, or a rock mulch may be used. Typical practices that can be used for sediment control are; silt fences (off toe of slopes), rock check dams (in drainage channels), sediment basins/ponds, inlet culvert riser, and inlet rock filters. For further information on Best Management practices contact one of the Idaho Transportation Department's Environmental Planners at 208-772-1279 or 1232.

- Provide adequate drainage that will not increase discharge volumes or velocities to the current highway drainage system.

- Not discharge sediment-laden stormwater or sediment to wetlands or other waterbodies (streams, ponds, lakes) without appropriate permits.

- Not perform work in or adjacent to any wetland, or waterbody (stream, river, lake) without providing ITD with documentation (copies of permits) of obtaining the appropriate permit from the Army Corps of Engineers, and/or the Idaho Department of Water Resources, and/or the Idaho Department of Lands, and/or the Division of Environmental Quality.

Floodplains. The following mitigation measures will be implemented at the appropriate time in the design and permitting process. There are no regulatory floodways established in the project corridor at this time. If at the time of design, a regulatory floodway has not yet been established, additional hydraulic analysis will be completed by the design team to establish the regulatory floodway if required by Federal Emergency Management Agency (FEMA). New bridges and culverts over Cocolalla Creek will be designed to meet FEMA and local requirements. They will be designed to allow conveyance of the 100-year flood event. The freeway and frontage road crossings of Cocolalla Creek will use bridge structures as opposed to culverts to minimize fill, to ensure hydrological connectivity, to allow channel migration, and to maintain a functional floodplain.

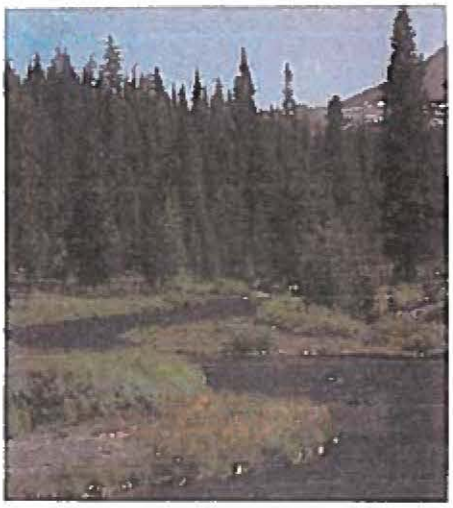
Measures to restore the floodplain and preserve the natural and beneficial floodplain values include:

- Removing existing driveway and associated culverts in the Careywood area to improve flow conveyance, allow channel migration, and reduce encroachments into the floodplain
- Replacing existing driveway culverts for Cocolalla Creek east of US-95, south of South Cocolalla Loop Road
- Restoring Cocolalla Creek east of the South Cocolalla Loop Road interchange so it will flow between US-95 and the east side frontage road
- Restoring the stream channel configuration to include more meanders, reduce floodplain encroachments, and benefit wetland restoration

Wetlands/Waters of the US. Mitigation will be provided to ensure no net loss of wetland functions and values as a result of the project. Final wetland mitigation plans will be developed during final design. The plans will include development of mitigation sites to replace affected functions and values through a combination of establishment, enhancement, and restoration of wetlands (see Section 8, ***Permits***). The Cocolalla watershed remains the preferred location for potential compensatory mitigation sites. There are ample potential mitigation areas in the watershed. As part of the ongoing efforts, approximately 35 sites have been identified that have desirable attributes for mitigation sites. These were evaluated and site visits conducted to determine the characteristics of existing wetlands, available hydrology, soil types, management options, and other factors important for successful mitigation. Discussions will be initiated with landowners of priority sites to determine interest. However, opportunities outside the watershed and mitigation banks are also being evaluated and considered.

Specific components of the detailed mitigation plans may include:

- Removal of livestock from mitigation sites adjacent to Cocolalla Creek and recommendations for livestock fencing to reduce contribution of nutrients, sediments, and toxicants
- Creating wetland areas adjacent to Cocolalla Creek to aid in flood attenuation and the restoration of a functional floodplain for Cocolalla Creek
- Planting diverse native trees, shrubs, and groundcovers to provide wildlife habitat, shade, and soil stabilization adjacent to Cocolalla Creek
- Adding large woody debris, sinuosity, and other measures to increase stream diversity and provide rearing habitat for fish species



What Are The Penalties For An Unauthorized Activity?

It is EPA's general policy to seek complete restoration fo impacted waters where an unauthorized discharge would not qualityfy for an after-the-fact authorization under Section 404 Restoration often includes monitoring periods which can extend up to 10 years to ensure the site restoration goals have been met.

In addition to restoration, EPA may also seek penalites up to $37,500 per day for violation of Section 404 requirements. EPA can also seek criminal penalties for Section 404 violations. EPA generally reserves its criminal enforcement authority for flagrant and egregious Section 404 violations.

Amendment V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Amendment VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Miller, Neeley

From: White, Kimi
Sent: Wednesday, September 14, 2016 9:53 AM
To: Miller, Neeley
Subject: FW: Sustainability Section Support

-----Original Message-----
From: Rose Bernal [mailto:BCC.Bernal@hotmail.com]
Sent: Tuesday, September 13, 2016 2:57 PM
To: White, Kimi
Subject: Sustainability Section Support

Dear Director Spackman,

I am writing this letter in support of the proposed Sustainability Section to be added to the Idaho State Water Plan. It is an outstanding much needed addition.

All the best,

Rose Bernal
Butte County Commissioner
Bcc.bernal@hotmail.com
208-899-1747

Sent from my iPhone

Miller, Neeley

From: Carolyn Sondahl [asondahl@gmail.com]
Sent: Thursday, September 15, 2016 9:25 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,
I am so grateful and happy that you are addressing the long term water needs of our state and that you have drafted a concerned policy for water sustainability. It will make such a critical difference on so many fronts regarding the single most important natural resource Idaho has, because life is dependent upon it and we cannot produce it. It is my hope that in addition to all the good work that you have done, you will consider adding more emphasis on conservation and protection by Idaho's people who are not aware of the difference they can make for the future of sufficient clean water by how they use it today. We need every citizen to be on board with water sustainability habits to keep our agricultural, industrial and tourism
economies strong. Also it seems vital that the draft consider the impact that the water policies will have fish. "Hunting and fishing" and "Idaho" are synonymous in the vocabulary of native Idahoans and they are also a huge part of our tourism industry. It would be a tragic mistake to fail to protect the fish that fill our waters at the same time as we protect the water. Thank you again for your work and for the opportunity you have given me to comment on your forward thinking draft.

Carolyn Sondahl
31848 N 3rd Ave
Spirit Lake, ID 83869

To Idaho Water Resource Board,

First I want to thank the IWRB for taking the volunteered time and effort to address the issues and concerns or water users in the State. This is a monumental task and extremely necessary to maintain sustainability for current and future use of water in Idaho.

My name is Greg Loomis. I have been a resident and homeowner of Blaine County, Idaho for 36 years. I have been a fly-fishing guide for 33 of those years in the Wood River Valley. I have a deeply vested interest in Silver Creek in Blaine County and have founded and currently maintain and administer the SaveSilverCreek.org web site as a repository for technical data concerning Silver Creek. This has been on-going for over 10 years with the help of the Nature Conservancy, Wood River Land Trust, Ecosystem Sciences Foundation, local communities and private landowners. I am also on the Water Collaborative Board in Blaine County. I have a deep interest and concerns regarding water issues in Idaho.

This is a pivotal time in this state where water is concerned. We have the opportunity to turn what was arguably a state with a record of horrible water use practices into the nation's leader in conservation, budgeting and water use cooperation. We must balance all uses of water for the worst of climatic conditions in order to sustain the reasons we live in Idaho. I have listed below some ideas that I feel should be considered in policy change recommendations by the Board.

1. Use or lose it law. This law must be a pivotal issue in policy changes. This law no longer has a place in Idaho. We need to make available to water users the mechanisms to move water into systems that are beneficial to fisheries and water users as a whole.
2. Beneficial uses should include protection of fish and wildlife, water quality, recreation and what is important to local communities for their specific economic needs.
3. Financial incentives and conservation use of water should be considered for water right holders without the threat of loss of right in the future. Funding

can come from conservation sources, tiered water usage pricing in domestic and private uses. We also need to re-visit the domestic exemption rules in place to better utilize our limited resource.

4. Water users should be able to transfer water rights into fisheries and conservation without fear of loss of rights.
5. Look deeper into water banking for permanent in stream target flows necessary for the health of fisheries. I refer to the following report from Water in the West a publication prepared for the National Fish and Wildlife Foundation 2015. https://www.pacificresearch.org/fileadmin/images/Publications_General/WaterConferenceJune2016/4_WITW-WaterRightsLawReview-2015-FINAL.pdf Page 29 is specific to Idaho.
6. Work closely with local efforts to find and maintain permanent, healthy target flows for fisheries. By using (newly?) available and accepted means of water policy changes.
7. The use of new dams in Idaho should be a last resort for water use. We should look into water waste as a means of freeing more available water.
8. Enforcement. Everyone knows that without extensive monitoring, enforcement cannot be accomplished. Idaho needs to closely monitor and enforce all water use.
9. Allow local communities to find solutions to specific needs of the water use in their areas. In Blaine County we are in a unique position to manage and budget our water resources and still benefit the Snake River Aquifer and surface water users if we work together and have a voice in policy and law changes.
10. The possibility of a "tiered" water use program may have some merit. As water becomes less available, water right holders are "stepped" down in use. An example is the Boise Basin.
11. A note about the 1996 State water Plan. In section 1J and 1K concerning recharge and spring flows. I see very little state involvement in the protection of spring flows in Silver Creek. I monitor every spring in Silver Creek twice a year collecting temperature data and visually collecting information on spring head pressure and flow. However, there are private

efforts to enhance and monitor recharge on a few springs when water is available to do so. I see a very real problem to the available water in Silver Creek for downstream water users and its health threatened due to the lack of spring head flow and pressure. Hopefully with the new Groundwater Water Model we can get a better handle on this situation. But in the immediate future this problem is not going away due to the continued over extraction of ground water.

These are some of the thoughts I have and I want to strongly emphasize my position on water for Silver Creek. I understand that the entire State must adopt new water laws and our area must work within those laws. I have watched Silver Creek slowly die over the last 30 years and its health suffer due to a decline in water quantity. Agriculture use in our area has increased dramatically due to groundwater pumping and Silver Creek has paid the price. I spend a lot of time talking to the landowners on Silver Creek and they understand the importance on maintaining the value of their properties through the health of Silver Creek. They are willing to work with the community and state to find solutions to balance water needs. With climate change, current over use and older water laws it is a challenge to balance and budget a limited resource. I fell through incentives, recharge (specifically located), awareness and cooperation we can find a permanent, viable and healthy solution for Silver Creek and other fisheries in our state.

Greg Loomis
P.O. Box 2727
Ketchum, ID. 83340
(208) 720-4525
gloomis@flywaters.com
www.savesilvercreek.org

Miller, Neeley

From: Josephine Lowe [josephineklowe@gmail.com]
Sent: Monday, September 19, 2016 11:06 AM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,
Please support Idaho's anadromous fish population, which is dependent on cool , free flowing streams and rivers to survive warming and drying climate changes. Healthy populations of trout, Steelhead, and salmon are important economic resources now,as well as for future generations.
Think differently, vis a vis providing irrigation and hydro energy needs. Dams are a big problem for fish.
Thank you,
Josephine Lowe

Josephine Lowe
110 Limekiln Ln.
Ketchum, ID 83340

Miller, Neeley

From: Tom Page [pageshouse@msn.com]
Sent: Monday, September 19, 2016 3:14 PM
To: Miller, Neeley; SWP
Subject: Idaho State Water Plan Sustainability draft comments

Mr. Neeley Miller

Senior Water Resource Planner

Idaho Water Resources Board

Via email

Dear Neeley –

Thanks for providing the opportunity to comment on the draft of the Sustainability Plan appendix to the 2012 Idaho State Water Plan. I appreciate all the work that you and the members of the IWRB have put into this draft so far, and for your willingness to take it around the state to gather input. My name is Tom Page, and with my brother Michael, I am a landowner/water user in the Pahsimeroi Valley (District 73). Our family cattle and hay operation, Big Creek Ranch, works with IDWR and many other state/federal agencies on water issues in our high desert basin, where flow is limited or sometimes non-existent. After reviewing the plan, and attending the IWUA conference earlier this year, I would offer the following comments:

There are many sections of this plan that I'm glad to see. Among other points, I support the enhanced use of the water bank and transfer procedures to meet the goals of the plan; the identification of management alternatives to optimize existing and future supply; the use of adaptive management to address uncertainties regarding climate variability; and the mention of water quality protection in the draft document.

Anadromous fish issues influence much of the water management in the Upper Salmon Basin. In order to ensure the viability of our ranch operation, we need to make sure that these complexities are included in decision-making. While fish are mentioned in the plan itself, I think it's important to be consistent and have some mention of them in the sustainability portion as well. The more I think about the endangered fish issues in Central Idaho (lack of adult returns, ESA restrictions on landowners despite significant gains in habitat and passage, and burdensome NEPA hurdles on public land management actions) and state interest in additional storage, I begin to wonder if there's room to have discussion about the 400,000 or so acre-feet of existing storage water that is released down the Snake in connection with out-of-basin impacts such as the LSR dams. Sustainability here might include some part of keeping that 400,000 acre-feet in state, and

reducing ESA restrictions in Central Idaho, in exchange for Idaho support of some action on the LSR dams. We can't even have that discussion without thinking about the sustainability of the fish populations.

I think it's very important for the state to expand the use and flexibility of existing tools for optimal water management and offer more support for creative locally-driven efforts at water sustainability. These tools, such as the transactions program, the minimum streamflow law, and various water shepherding or exchange agreements have great potential to optimize our water usage, create additional income streams for water rights holders, and provide flows and improved habitat for the above-mentioned fish. While these mechanisms already exist, it is my observation that there is resistance (cultural, political and operational) within state agencies, the agricultural industry, and the legislature to use them aggressively to solve some of these problems. Having an emphasis on this within the water plan may help create political space for success here.

I am concerned by the emphasis on additional storage/cloud seeding as what seems like the sole option for future management, in many cases. This assumes that we will continue to preserve current use levels or even potentially increase them. While this is possible, it is by no means a certainty. My reading of historical documents put out over the last 200 years makes it very obvious that water supply is declining in Pahsimeroi and there is far less water in our basin than there was even 90 years ago. I think in order to be truly sustainable, attention must be paid to the possibility that there will be less water to go around, regardless of when it might fall and in what form. I am not universally opposed to additional storage, but we can build all the storage we might want, and run the cloud seeders...if the storms don't come, it doesn't matter.

My final comment relates more to the funding of these efforts than the document itself. It's important that the funding mechanisms in the Idaho legislature be closely tied to the goals of the plan. My concern is that without having a broader strategy for sustainability, worthy projects or multi-purpose projects will be ineligible for funding if they are omitted at this time. If storage and recharge become the only points of emphasis within the sustainability plan, it becomes much harder to implement efforts like water exchange programs, minimum streamflow leases, or temporary fallowing. There are several basins around Idaho working on these kinds of things already, and these local efforts should be financially supported and recognized, not made to fit into the dominant storage/recharge template.

I'm looking forward to seeing the final draft of the plan, and I'm glad to see that the Department is working to ensure thoughtful and comprehensive management of our water resources into the future. As I mentioned earlier, as a water user I support the great majority of the ideas within the document, so I don't want the above suggestions to create the lasting impression that I think IDWR is off-track in this planning process. Thanks again for providing a chance to comment on the plan.

Regards,

Tom Page

Big Creek Ranch, LLC

208-788-3219

Miller, Neeley

From: Strange, Jennifer
Sent: Thursday, September 22, 2016 9:21 AM
To: Miller, Neeley
Subject: FW: Comments on proposed Sustainability Section to be added to the State Water Plan
Attachments: My ltr to IWRB on Proposed Sustainability Section, Water Plan 9-18-16.doc

---

From: Jerry Jayne [mailto:gajwild@gmail.com]
Sent: Monday, September 19, 2016 6:49 PM
To: Strange, Jennifer
Subject: Comments on proposed Sustainability Section to be added to the State Water Plan

Jennifer -

I was told that you could direct the attached comments to the appropriate person(s) so that they are included in the record of public input.

Thanks,

Jerry Jayne
1568 Lola St.
Idaho Falls, ID 83402 523-6692

Comments on the Proposed Sustainability Section to be added to the Idaho State Water Plan

Comments of Jerry Jayne, September 18, 2016

The proposal has many good and thoughtful features. But here are a couple of my concerns.

The Proposal is too Narrowly Focused

Obviously, we should manage water resources to benefit humans; but not by ignoring all else. The Proposal seems to be all about providing for human consumptive use of water, with no regard given to wildlife, fish and other aquatic organisms.

The Proposal is too Growth Oriented

The Discussion on page 1 mentions the "goals of sustainable economic growth", and this phrase is repeated in the last Implementation Strategy. But "sustainable economic growth" is an oxymoron. No physical growth can be sustained indefinitely. When any form of growth starts to cause more problems than it solves, we should plan away from that growth, not plan to accommodate it.

An example of the growth problem in the Proposal is the idea of building more dams. One of the Implementation Strategies is: "Pursue enhancement of surface water storage supply as a mechanism for meeting Idaho's future water needs." One of the Milestones is: "Initiate and facilitate construction of additional surface water storage to meet current and future needs."

But we already have very many (I would say too many) dams in Idaho. For example, there are about 24 dams on the main stem of the Snake River. Together, they inundate over 300 stream miles, impound about 5 million acre-feet of active storage, provide over 2,100 feet of hydraulic head, and provide generating capacity of over 3,500 megawatts. And there are many more dams on Snake tributaries.

While providing many important benefits, the dams in Idaho have created many problems for fish and wildlife, not to mention inundating the free flowing streams themselves. We know more now about these problems that dams cause than we did in the heyday of the dam-building era, and it's time to stop building any more of them.

It was unfortunate and misguided legislation that was passed by the Idaho Legislature in 2008 mandating a study of possibly rebuilding the Teton Dam and/or other dams in the Henrys Fork/Teton River, and appropriating $400,000 for that study (contingent upon the U.S. Bureau of Reclamation putting up another $400,000).

We don't "need" more dams if we will quit wasting so much water and learn to live within our means. Many people feel we have just about enough dams, and that the real "need" is to protect remaining undammed reaches of our precious streams.

ECOLAB

September 23, 2016

Mr. Roger Chase, Chairman
Idaho Water Resource Board
P.O. Box 83720
Boise, ID 83720

Dear Mr. Chase,

Ecolab is pleased to submit the following comments on the Idaho State Water Plan.

By way of background, Ecolab is headquartered in St. Paul, MN, employs 47,000 associates and is a global leader in water, hygiene and energy services. Ecolab serves a wide range of commercial, institutional and industrial (CII) sector customers, including healthcare, food service and hospitality, food and beverage processing as well as provides industrial water services.

Our Nalco Water division is the world's leading water treatment and management company. Through Nalco Water, we provide solutions and control systems for cooling, boiler and wastewater applications in refinery, petrochemicals, steel, power, commercial buildings and other industries through our patented technologies such as 3D TRASAR™, which was awarded the U.S. Environmental Protection Agency's Presidential Green Chemistry Award.

As businesses across the globe set and achieve ambitious water and energy conservation goals, Ecolab helps our customers meet their sustainability goals at more than 1.3 million locations around the world. In 2015, we helped customers across more than 40 industries conserve more than 142 billion gallons of water, reducing their environmental impact and risk while improving the livelihoods of the communities in which they operate.

For example, in 2013 Kemps approached Ecolab to help it achieve its two-fold mission of maintaining and enhancing high safety and taste standards while identifying ways to reduce water consumption at one of its dairy plants. Kemps installed our 3D TRASAR Technology for Clean-in-Place (CIP) to improve the efficiency of its cleaning processes. The solution provides round-the-clock monitoring of the plant's existing controls and leverages Ecolab's advanced chemical sensors to monitor cleaning and sanitizing performance, enabling the team to identify areas for improvement in the cleaning process. Kemps has achieved annual savings 963,750 gallons of water, 1,847 pounds of CO_2 emissions and 1,295 hours of cleaning time as a result of installing 3D TRASAR for CIP.

Ecolab is a global company. While our reach is broad, our business in Idaho is critical to our operations. Indeed, many of our most important customers operate in Idaho, including Amalgamated Sugar Company, Chobani, Glanbia, McCain Foods, Simplot and Sun Valley Resort. Our customers across the state depend on our water treatment and efficiency products and services to help them make their operations cleaner, safer, healthier and more efficient.

We are most encouraged by and strongly support Governor Otter's and your heightened focus on water conservation by adding a water sustainability section to the Idaho State Water Plan. Given the recent drought in California and water-stressed conditions prevailing in much of the West, including Idaho, we think it is prudent to protect fresh water supplies in Idaho over the long term, thereby supporting the continued success of your economy and culture while meeting the needs of Idahoans well into the future.

With this in mind, we would like to respectfully offer a few suggestions for your consideration as you draft and finalize this state policy to be taken up by the Idaho legislature.

The "Implementation Strategies" section of the draft currently focuses largely on water supply in Idaho. This is extremely important, but equally important to the protection of water resources is demand. Whether demand for fresh water increases or decreases over time will have a significant impact on the remaining supply. Therefore, we suggest the following two additions to the "Implementation Strategies" section:

- Recognize the impact that changes in demand for water will have on future water availability; and
- Identify and study to better understand the water use patterns of the CII sectors across the state and evaluate the impact on water availability and quality in different basins.

Ecolab has extensive experience helping CII businesses improve the efficiency of their operations while reducing water use. Nationally, these businesses represent 20 percent of human water use—roughly twice the impact of private or residential water use. Ensuring that CII businesses are recognized as an important steward of fresh water resources is important, and providing financial incentives for these businesses to further improve their operations is an easy way to improve the livelihoods of communities across the state. With this in mind, we suggest the following addition to the "Milestones" section of the draft:

- Provide financial incentives for CII water users to invest in solutions that reduce water use without negatively impacting the quality of discharged water.

In closing, we are encouraged to see Idaho addressing this important issue, and we look forward to finding ways to work with you to develop a final policy as you consider these and other suggestions.

Regards,

Nancy Levenson
Vice President, Government Relations
Ecolab

Emilio Tenuta
Vice President, Corporate Sustainability
Ecolab

Miller, Neeley

From: Megan Schooley [mnschooley@gmail.com]
Sent: Monday, September 26, 2016 10:58 PM
To: SWP
Subject: Thoughts from a Community Member regarding the Water Sustainability Policy

Dear IWRB members,

I'm grateful that you are in the midst of drafting a water policy that takes into account the health of our water systems. There's much in the draft that I align with; however, I'd like to take the opportunity to express a couple points of departure.

I believe that thorough consideration of our fish habitats and populations is essential to any water policy that comes into place. Fish are a crucial part of Idaho's natural environment and are also important to sport enthusiasts and the tourism industry. Let's protect them!

Secondly, in regards to water usage, every citizen has the power to make an impact on the amount of water we use in the state. It would be great if water conservation was promoted above the construction of new dams.

Thank you all for your involvement and attention to Idaho's water quality. It is much appreciated!

Megan Schooley
PO Box 2462
Ketchum, ID 83340

Miller, Neeley

From: Joanie Fauci [joanie4c@yahoo.com]
Sent: Tuesday, September 27, 2016 9:13 AM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

Thank you for the opportunity to comment. I do not usually comment on water related issues as I am no expert. But I strongly feel that we should not be considering new dams at this day and age. That is so old school. Citizens and landscapers can easily adjust to becoming more water-wise, efficient.

n the dry areas of Southern Idaho we should not be allowing green grasses in new homes. I have seen the modern day version of artificial grass, in California lawns, and it is hard to tell it is not real. There are now permeable driveway, alleyway, and other rock alternatives that allow water to seep through hardscapes.

Toilets, showers, washing machines, dishwashers have more efficient versions. You could be offering incentives for users to convert, similar to what Idaho Power does for electricity.

Homes should be built with two water systems. One for drinking water and one for non-potable. This would save lots of money in the purification arena but I realize its a big upfront cost and a different way of looking at things. Something to think about for the future.

Dams are not the answer. They cost too much. They are bad for fish. You should work on efficiency standards instead.

Thanks for your time,
Joanie Fauci

Joanie Fauci
2944 hillway dr
boise, ID 83702

WOOD RIVER LAND TRUST

Board of Directors

Co-Chair:
Richard Carr

Co-Chair:
Kathie Levison

Treasurer:
David Woodward

Secretary:
Barry Bunshoft

Asst. Secretary:
David Anderson

Judy Cahill
Rick Davis
John French
Trent Jones
Jack Kueneman
Sarah Michael
Rebecca Patton
Wolf Riehle
Dan Smith
Gayle Stevenson
Steven Strandberg

Executive Director
Scott Boettger

ACCREDITED LAND TRUST ACCREDITATION COMMISSION

119 E. Bullion Street
Hailey, Idaho 83333
Phone: 208.788.3947
Fax: 208.788.5991

www.woodriverlandtrust.org
Federal ID: 82-0474191

BUILDING MATERIAL THRIFT

Proceeds from BMTS Benefit WRLT

Attn: Water Resource Board
P. O. Box 83720-0098,
Boise, ID 83720-0098

September 15, 2016

Dear Board Members,

Thank you for conducting a public hearing in Hailey on the Water Sustainability Policy this past summer. At the hearing, Wood River Land Trust spoke in favor of the policy specifically supporting the Board's Implementation Strategy # 9 to "Identify water conservation measures that water users, municipalities, governmental agencies and other entities can undertake to help protect the water resources of the State and provide guidance to those entities on best practices to implement those conservation measures."

Wood River Land Trust has been working with Blaine County citizens and the cities of Ketchum, Hailey and Sun Valley for the past four years sponsoring large water seminars, small classes and workshops on water issues and water conservation. The policy's intent to allocate monies to study the most effective water conservation strategies for residential and commercial water conservation would save money and precious time throughout the state in protecting this limited resource.

Wood River Land Trust also supports the policy's implementation strategy # 7 to "Enhance water transfer mechanisms in Idaho law, policy and regulations." We support creating flexibility with water transaction language so that conservation organizations can actively effect solutions by: retiring water rights, shepherding senior water rights downstream and accepting donated water with goals to increase instream flows and/or recharge our aquifer in critically determined areas.

We see the importance of strategy # 7 referring to the State Water Plan. Please consider our request to add the following highlighted section:

Enhance water transfer mechanisms in Idaho law, policy and regulations to benefit the state of Idaho's water resources as described in the Idaho State Water Plan and allow future economic opportunities to utilize existing water supplies, while protecting existing uses

We greatly appreciate the work of the Water Resource Board and your efforts on this policy.

Sincerely,

Patti Lousen

Patti Lousen
Project Coordinator

Cc: Pete VanderMeulen, Al Barker, Scott Boettger

Miller, Neeley

From: Kahle Becker [kahlebecker@gmail.com]
Sent: Wednesday, September 28, 2016 9:16 AM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

I am an avid hunter and angler. To me, sustainable use of water means having a minimum stream flow so as to support healthy fish and wildlife populations for decades to come. I want my children to have the same opportunities to recreate on Idaho's rivers and streams as I have enjoyed. Unfortunately, human caused climate change and increasing demand on our resources may jeopardize that. I am not necessarily opposed to new dams or higher dams if they also create great publicly accessible lakes, tailwater fisheries, and have adequate mitigation for inundated uplands.

Kahle Becker
12900 N. Schicks Ridge
Boise, ID 83714

Miller, Neeley

From: Steve Mitchell [sunvalleymitch@gmail.com]
Sent: Wednesday, September 28, 2016 9:33 AM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

Thanks you for the long overdue attention to protecting Idaho's quality and quantity of water. As a son of a dairy farmer, I know that water is the lifeblood of farming. But the corporate dairy feedlot farms and the supporting agriculture need to be better regulated to conserve and protect groundwater and aquifer.

Idaho's true crown jewel is out water. It's obvious that Big Ag will not clean up their act without having their feet held to the fire. Please act with urgency and courage.

Steve Mitchell
Box 3941
Hailey, ID 83354

Miller, Neeley

From: Katie Bray [katherinembray@gmail.com]
Sent: Wednesday, September 28, 2016 9:35 AM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

You did a lot of work on this report and I commend you for that. I was however very disappointed and surprised that the word "fish" did not appear in your report at all. This is a bit shocking considering the policy. It's a no brainer that there should be plans in place for the sustainability of Idaho's fisheries. Fishing is one thing that makes Idaho what it is and is a giant economic opportunity for the state. Any long-term water management plan needs to specifically deal with protecting the health and sustainability of Idaho's native trout, steelhead, salmon, and less glamorous species.

Idahoans use more water in our homes than people in any other state, and our agriculture industry uses the second most water of any state, despite not being the second largest agricultural producer in the nation. These are not lists Idaho wants to be at the top of, and they show that we have significant room for improvement. Idaho can better succeed if the plan emphasizes helping people do more with less water and drops the emphasis on new and larger dams.

The policy places considerable emphasis on protecting ground and drinking water quality. Believe it or not, protecting water quality is uncharted territory for the IWRB, so be sure to thank its members for prioritizing Idaho's water quality.

Katie Bray
321 Second Ave N
Hailey, ID 83333

Miller, Neeley

From: Ben Otto [benotto1@gmail.com]
Sent: Wednesday, September 28, 2016 10:58 AM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

I carefully reviewed your Draft Water Sustainability Policy. I am encouraged to see a focus on being careful stewards of Idaho's precious water resources.

Your policy highlights that careful stewardship can lead to economic growth, while respecting private rights, and that these important goals "are enhanced by measures that protect and maintain surface and ground water resources and the aquatic, riparian and human resources that depend on these waters."

Any good business person knows that producing more goods with fewer inputs leads to profitability and growth. Accordingly helping Idahoans use our water resources efficiently must be the top priority of any water policy. By encouraging the efficient use of water you can help Idaho business become more competitive, and, in essence, create more supply by eliminating wasteful practices.

In Idaho's electricity sector, all stakeholders know that ensuring the efficient use of a precious resource is the first consideration before building additional power plants. Water is no different. To ensure sustainable water, and a sustainable economy, I encourage you to always compare the cost of helping Idahoans conserve water against the cost of bolstering supply. Finding the least cost method to meet water demands is good policy.

Idaho Power currently offers a set of irrigation efficiency incentives that address leaky systems, improve pumps, and replace nozzles. These measures benefit participants by reducing their input costs and the rest of Idaho by conserving water.

I encourage you to work with the Public Utilities Commission and Idaho's utilities to examine the proven, cost effective, and unique -to-Idaho water conservation strategies.

Thank you,

Ben Otto
Boise, Idaho

Ben Otto
1407 W Cottonwood Ct
Boise, ID 83702

Miller, Neeley

From: Thomas Colby [tcolby12@gmail.com]
Sent: Wednesday, September 28, 2016 1:49 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

The world renowned fisheries of Idaho are not only a major contributor to our economy but also play a significant role in Idaho's outdoor way of life. I understand that fisheries are acknowledged in other parts of the State Water Plan, however any long term water planning in Idaho MUST specifically address the health and sustainability of Idaho's fish and fisheries.

Concerned,
Thomas Colby

Thomas Colby
2424 N. Weaver Circle
Boise, ID 83704

Idaho Water Resources Board

Dear Sirs,

IDWR staff is to be commended for the general thoroughness of the section. By listening to the comments from the public meetings I can see that you will have many sound recommendations on how to improve the Section.

I recommend that the Board seriously consider lowering the high priority for State expenditures given to the expansion of surface-water storage. It is understandable that surface-water storage is repeatedly proposed as the best, or even the only, solution. It is the simplest and best known tool for water managers. It is a method that puts the resource most in their control and is believed to be the most reliable, though the changing climate has increased our awareness of the risk of long-range forecasting. The estimates of the likelihood of filling additional storage are not as accurate as sometimes suggested.

Planning and construction of surface-water storage is the most expensive approach to provide a sustainable supply and requires the greatest sacrifices. As we've seen, it is increasingly difficult to demonstrate that the benefits of building surface-water storage would exceed the costs. Is it likely that funding for studies and construction of surface-water storage would be approved if it required a two-thirds majority of the voters, as is required for much of our education funding?

The Sustainability Section has strategies that would have a better chance of achieving the milestones and for lower costs and fewer sacrifices. Please consider giving these other strategies, particularly water conservation, higher priorities for funding and implementation. Water conservation has been shown to be a successful approach to water sustainability. There also are opportunities in Idaho for the creative use of incentives that may also benefit the continuation of our agricultural heritage while protecting private property rights. Perhaps successful implementation of water conservation should be a stand-alone milestone for successful water management, as well as given a higher priority in funding.

Thank you for the opportunity to comment on the proposed Sustainability Section to the State Water Plan.

Kathy Peter
11208 W. Hickory Bark Dr.
Boise, ID 83713
kdpeter.H2o@gmail.com

Miller, Neeley

From: Lana Weber [lanajweber@gmail.com]
Sent: Wednesday, September 28, 2016 4:00 PM
To: SWP
Subject: Idaho's draft water sustainability plan

Dear IWRB members,

I understand that water is a precious resource in the state of Idaho, and appreciate the State putting the effort into drafting a sustainability policy.

That said, I am really surprised not to see specific language that addresses the health, economics and productivity of Idaho fisheries. A way of life for many Idahoans and those that travel to this state, fishing is a big part of who we are, as well as a major contributor to our economy.

In addition, I personally am very aware of the amount of water I use in my home, and have taught my children the same. Why are we not holding the agricultural industry to the same standards? We need to do more with less water through conservation and efficiency.

Sure, we can all use the word "sustainability" and pretend that we've made positive changes, but there is also a responsibility to use that term well and for the long haul. I hope IWRB continues to move in the right direction.

Lana Weber

Lana Weber
1017 E. Jefferson
Boise, ID 83712

Miller, Neeley

From: John Twa [john_twa@yahoo.com]
Sent: Wednesday, September 28, 2016 4:49 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,
I commend you for drafting a water sustainability policy. There are other "users" of this water besides us humans though, and they need to be considered too. Please include, fish, waterfowl, etc. Also consider breaching the 4 lower Snake River dams in WA so that Idaho water does not get used for flow augmentation at the dams. Idaho has bent over backwards for the Army Corp for far too many years.

Respectfully yours,
John Twa

John Twa
1604 N 15th St
Boise, ID 83702

Miller, Neeley

From: Gordon Barkley [gfbarkley@centurylink.net]
Sent: Wednesday, September 28, 2016 4:51 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

We truly need to get going on a course of cleaning up and protecting our surface and ground water. A good start would be to prohibit fracking, waste "water" injection wells, and run off from agricultural operations (and I have a farm). If we don't we will undoubdtly pay a horrific price.

Gordon Barkley
2200 Pioneer Ave.
Emmett, ID 83617

Miller, Neeley

From: Steve Rinehart [Steverine@gmail.com]
Sent: Wednesday, September 28, 2016 8:34 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

Dear IWRB members,

First off, thank you for the time and attention you are giving this matter. Water: so basic, so elemental, so beautiful, so necessary. And suddenly (it seems) so complicated.

I would like to offer a few thoughts about water sustainability:
-- grant fish and wildlife and streamside ecology (and all the associated values, such as tourism, fishing, outdoor recreation, quality of life, the pure and simple pleasure of moving water) at least equal standing with agriculture, business, municipal utilities

Steve Rinehart
1709 W Irene St
Boise, ID 83702

THE VOICE OF THE RIVER
SINCE 1984
HENRY'S FORK
FOUNDATION

September 29, 2016

Roger Chase, Chair
Idaho Water Resource Board
P. O. Box 83720-0098
Boise, ID 83720

RE: Proposed Sustainability Section of State Water Plan

Dear Mr. Chase,

The Henry's Fork Foundation (HFF) is a 501(c)3 nonprofit organization based in Ashton, Idaho. Founded in 1984, the HFF is the only organization whose sole mission is to conserve, restore, and protect the unique fishery, wildlife, and aesthetic qualities of the Henry's Fork of the Snake River watershed. Pursuant to our mission, we attended one of your public hearings on the proposed sustainability section of the State Water Plan, have thoroughly read the proposed section, and hereby provide comment.

We strongly support addition of the sustainability section to the State Water Plan and commend the Board and its staff for developing the proposed section and for offering the public ample opportunity to learn about and comment on the language. We are particularly pleased to see the following items in the list of implementation strategies:

- Inventory Idaho's water supply, current uses, and future water supply needs,
- Enhance water transfer mechanisms in Idaho law, policy, and regulations…
- Recognize that conservation measures may reduce water supplies utilized by others…
- Use a grassroots approach to identify problems and developing [sic] optimal solutions.

These particular strategies are consistent with our organization's approach to enhancing water supplies for fish and wildlife while meeting the needs of irrigated agriculture, municipalities, and associated industry. The Henry's Fork Watershed Council, which we co-facilitate with Fremont-Madison Irrigation District, provides a good example of the last bullet item above. With respect to water transfer mechanisms, we have not actively pursued transfers in the past but realize their potential for moving water through surface and ground water pathways at times and locations that can benefit fish and wildlife. We believe that refinement of current transfer mechanisms can increase their utility in providing water for fish and wildlife.

The only wording change we suggest is in the sentence at the bottom of the first page that starts with "The goal of sustainable use…" The end of that sentence refers to protecting and maintaining "surface and ground water resources and the aquatic, riparian and human resources that depend on these water resources." We appreciate the inclusion of the word "riparian" in this sentence and assume that "aquatic" is implicitly intended to include fish and wildlife. If this is the intent, we suggest explicitly adding "fish and wildlife" to this sentence to make the intent clear. With respect to fish alone, recreational fishing

statewide contributed over $435 million in retail sales in 2003, in addition to $12 million in license sales, according to an Idaho Department of Fish and Game study. Obviously, the fisheries that support this economic activity require adequate supplies of high-quality water, so ensuring the sustainability of those supplies is critical to sustaining this important segment of Idaho's economy.

Thank you for opportunity to review and comment on the sustainability policy, and we look forward to continuing our work with water-resource stakeholders and decision-makers to help ensure sustainability of all water uses in the state.

Sincerely yours,

Brandon Hoffner
Executive Director

PO Box 550, Ashton, ID 83420 Tel: 208.652.3567 henrysfork.org

TROUT UNLIMITED

Peter Anderson
Counsel, Idaho Water Project

September 29, 2016

Idaho Water Resource Board
ATTN: SWP,
PO Box 83720-0098, Boise, ID 83720-0098

Dear Board Members,

Thank you for providing the opportunity to comment on the Board's draft Sustainability Policy addition to the 2012 State Water Plan. You have already received comments from Trout Unlimited's members both at your statewide hearings and through written comments from the Idaho members' State Chairman, Ed Northen. We wanted to provide you with a few additional comments from Trout Unlimited's Idaho water team.

First of all, we recognize that the Board put a huge amount of effort into the 2012 State Water Plan and provided TU ample opportunity to participate in that process. That Plan contains many policies that promote water sustainability, including among others:

- Policy 1C, that recognizes that changes in use of water should be allowed to meet changing needs;
- Policy 1D, that recognizes that the water supply bank should be expanded to meet emerging needs for water;
- Policy 1E, that urges conjunctive management of ground and surface waters;
- Policy 1F, that recognizes that aquifers should not be used beyond their average rate of future recharge;
- Policy 1H, that urges the quantification and measurement of Idaho's water supply and use;
- Policy 2A, promoting water use efficiency;
- Policy 2C, using minimum stream flows in the public interest to support instream uses;
- Policy 2E, protecting riparian habitat and wetlands;
- Policy 2F, supporting stream channel rehabilitation;
- Policy 2H, protecting floodplains;
- Policy 3C, supporting collaborative solutions to address changing water demands;
- Policy 3G preparing for the impact of climate variability on water supplies; and
- Policies that recognize the importance of voluntary, market transactions that protect and restore instream flows for ESA-listed aquatic species, such as policy 6B.

None of these policies have been changed and will continue unchanged as a part of the State Water Plan.

The new Sustainability policy weaves together many of the ideas that are currently in the State Water Plan to explicitly address how the State of Idaho can meet its water needs in perpetuity.

We urge the Board to additionally address the following ideas more explicitly in the Sustainability Policy because of their importance to Idaho in the future:

1. The Idaho Constitution is the fundamental governmental charter of the State of Idaho. Its first Article contains a declaration of the rights retained by its citizens. The Sustainability Policy should recognize that sustainable water policies must protect, and not destroy, the new constitutionally protected right to fish, even if that right does not create minimum flow entitlements.

> The rights to hunt, fish and trap, including by the use of traditional methods, are a valued part of the heritage of the State of Idaho and shall forever be preserved for the people and managed through the laws, rules and proclamations that preserve the future of hunting, fishing and trapping. Public hunting, fishing and trapping of wildlife shall be a preferred means of managing wildlife. The rights set forth herein do not create a right to trespass on private property, shall not affect rights to divert, appropriate and use water, or establish any minimum amount of water in any water body, shall not lead to a diminution of other private rights, and shall not prevent the suspension or revocation, pursuant to statute enacted by the Legislature, of an individual's hunting, fishing or trapping license.

Idaho Const. Art. I, Sec. 23 (underscoring added).

To survive, fish need water at all times, every day, all year long. Idaho's way of life is not sustainable if our fisheries are not protected by efforts to provide adequate water for fish. The sustainability policy should note this imperative need for water by, at the very least, stating that the sustainability policy "will preserve constitutionally protected needs for water" and recognize the needs of aquatic species as an important water use.

2. TU truly believes Idaho will only succeed if we work together as a community, to collaborate, to recognize shared values, and seek solutions to provide sustainable water supplies for all water uses in Idaho. We see success with this approach in the Yakima River basin, and are working alongside partners to establish and sustain these types of collaborative working groups in the upper Snake River (the Henry's Fork), the Big Lost, the Big Wood, the upper Salmon and the Boise River basins. In the current fiscal environment it is also the only way we see the actual implementation of needed sustainability projects going forward. It is TU's experience that the water solutions that have the best chance of implementation are those that are reached in a collaborative format, no matter the geographic or watershed size of the problem. The most sustainable water planning results from watershed collaborations among agencies, local governments, irrigators, land owners and conservation interests. The Board should develop and push for a suite of tools that can be used by collaborative groups across Idaho to customize for their individual watersheds and water needs.

3. Finally, water sustainability is not just an issue that considers long-term water needs and supplies. The Board should build a discussion into its sustainability policy regarding the more acute issue of drought. The increasing number of drought declarations in Idaho and predictions of persisting drought because of climate variability suggest that the State of Idaho take a new, hard look at drought planning and drought projects. No amount of increased water storage will help if drought persists 5, 10 or even 20 years. The Board should revisit statewide drought planning, as well as drought planning in individual watersheds. This task could be given to watershed collaboratives, and funding sources are available to the Board for drought planning and projects. The time for deciding how to handle acute water shortages is now, not in the middle of a drought when proactive solutions are no longer viable.

Thank you for your hard work and service on this important topic. We hope you find these suggestions to be constructive and worth your consideration.

Sincerely,

Peter R. Anderson
Counsel, Idaho Water Project

Miller, Neeley

From: Christina Cernansky [christinasky@gmail.com]
Sent: Thursday, September 29, 2016 9:25 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

Idahoans use more water in our homes than people in any other state, and our agriculture industry uses the second most water of any state, despite not being the second largest agricultural producer in the nation. These are not lists Idaho wants to be at the top of, and they show that we have significant room for improvement. Idaho can better succeed if the plan emphasizes helping people do more with less water and drops the emphasis on new and larger dams.
The policy places considerable emphasis on protecting ground and drinking water quality. Believe it or not, protecting water quality is uncharted territory for the IWRB, so be sure to thank its members for prioritizing Idaho's water quality.

Christina Cernansky
PO Box 3552
Ketchum, ID 83340

Miller, Neeley

From: Annette Bottaro-Walklet [abw@cableone.net]
Sent: Thursday, September 29, 2016 7:32 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

Thank you for your work in prioritizing Idaho's water quality. As an Idahoan I feel it is my duty and in my best interest to use water carefully. Please consider implementing policies for careful water usage so that we do not need to rely on or build more dams. Also, consideration of our fisheries is an essential element in a policy.

Thanks again.

Annette Bottaro-Walklet
1775 W State St., No. 143
Boise, ID 83702

Testimony to the Idaho Water Resources Board
(John W. Sigler)
Sustainability of Idaho's Water Resources
In Person - Chubbuck, Idaho. September 14, 2016
(Submitted Electronically – 9-30-16)

A sincere "Thank you" to the Chairman and the Board for affording citizens of Idaho an opportunity to comment on policy development for one of Idaho's most important resources – water.

I am aware of, and want to acknowledge, the efforts of the Board in the past to resolve water sustainability issues related to fish/fishing and agriculture water issues in various parts of the State and I commend the Board for those efforts.

My intent in this testimony is to highlight some aspects of water management in Idaho that, from my perspective, are out of balance.

I want to provide a few numbers for the Board to ponder as they move the Sustainability Policy process forward.

Overview

In 2011, the total output of Idaho's economy was $117 Billion and Gross State Product was $58 Billion. Total employment was 874,000 jobs.

Agribusiness contributed $24 Billion (20 %) of total sales and over $8.3 Billion (14%) of GSP.

Tourism

Idaho Commerce Department – "Idaho draws—and awes—hundreds of thousands of visitors each year. The influx of tourism dollars is a huge boon to our state economy, directly supporting businesses that offer outstanding recreation, lodging diversity, fine dining, and more.

Specifically, according to the U.S. Travel Association, Idaho's $3.4 billion tourism industry employs more than 26,000 Idahoans and generates almost $500 million in local, state, and federal tax revenues."

No water in Idaho is allocated or "reserved" for tourism or recreation interests.

Water Based Recreation – Fisheries

2011 figures from the U.S. Fish and Wildlife Service indicate that 445, 000 people fished in Idaho in 2011 and spend $422,120,000 [Nearly ½ billion dollars].

There are roughly 100 species of fish in Idaho, about half of them native. While many of these species are characterized as "non-game" species, many are highly sought after game species which draw not only resident but international anglers to Idaho's unique waters. All bring dollars.

One only has to stand near the water in Stanley or Salmon when the steelhead or salmon are running to gauge the excitement and the passion that is associated with fishing for these magnificent species. Or drive through Last Chance when the Railroad Ranch opens for fly fishing and watch some of the thousands of annual visitors to that treasure spot as they battle to land that "once in a life time" catch. Anadromous and resident fish stocks in Idaho are struggling to survive and any further deterioration of water flow or quality will be detrimental. All aspects of these great fisheries require clean, cool water, not only in main stems but in tributary streams.

I don't have a really good number for how many dollars have been spent on developing fish hatcheries, fish planting programs and resident and anadromous fish stocking efforts in the last decade. It is without doubt several millions of dollars. All of those dollars are user fees or federal matching dollars. If there is no water, or water of unsuitable quality in which to stock fish, or through which various species have to swim to get to Idaho, obviously those fisheries will suffer.

No water in Idaho is allocated or "reserved" for fishing or fishing recreation interests.

Water Based Recreation – Rafting, Canoeing and Kayaking, Fishing

In Idaho, Outdoor Recreation generates $6.3 BILLION in consumer spending, 77K direct Idaho

Jobs, $1.8 BILLION in wages and salaries and $461 MILLION in state and local tax revenue.

No water in Idaho is allocated or "reserved" for water based recreation.

From the draft Idaho 8a Water Sustainability Statement

"Water is the foundation of Idaho's economy and culture; the lives and livelihoods of Idahoans depend on a reliable supply of water."

Only one of Idaho's economic drivers has reserved rights to manage and use water in Idaho: **Agriculture.** Although Idaho Agriculture contributes 20 percent of total sales in Idaho and 14 percent of the Gross State Product, it uses 95+ percent of diverted water in Idaho to accomplish this feat.

People don't travel hundreds or thousands of miles to Idaho to watch center pivots turn, they come to play in free flowing natural streams.

I understand that fisheries are acknowledged in other parts of the State Water Plan, however, any long term water planning in Idaho that addresses sustainability must **specifically** address the health and sustainability of Idaho's fish and fisheries.

I urge the Board to consider revisions to the draft Sustainability Policy by including language that specifically and explicitly values outdoor recreation, and an ecosystem perspective on fish and fishing, water based activities other than fishing, and ecosystem services associated with water resources in Idaho.

As a further encouragement, I urge the Board to immediately expand existing staff capabilities to facilitate instream flow water right transactions in not only the Upper Salmon Basin, but in every major drainage in the state: Clearwater, Kootenai, Lower Bear River, Lower Snake, Middle Snake River, Pend Oreille, Salmon, Snake headwaters, Spokane, Upper Bear and Upper Snake. This effort should seek to expand Idaho instream flow water rights capability so that individuals and conservation organizations could dedicate conserved water to instream flows, even if the State held them ultimately. Conservation NGO's would provide some magnificent assistance if this were a funded state effort.

Additionally, IDWR should begin development of economic measures criteria to assist in the purchase and repurposing of water in Idaho to achieve the State's Water Sustainability objectives. This process and its ultimate goal must include the preservation, management and enhancement of aquatic ecosystems services to include streams, rivers, wetlands and marshes. In addition, it must include preservation, management and enhancement of aquatic resources related to fish and fisheries, including sustainable flows of appropriate quality and quantity. The people of Idaho envision a water policy that addresses all of the water needs of its citizens and may well demand significant changes in the state water management policy in coming years.

Any good business person knows that producing more goods with fewer resources leads to profitability and growth. Accordingly, helping Idahoans use our water resources efficiently must be the top priority of any water policy. By encouraging the efficient use of water, IDWR can help Idaho business become more competitive, and, in essence, create more supply by eliminating wasteful practices.

As recent local and regional news articles have noted, use of water in Idaho is a privilege, not a right, even given the current legal terminology. Perhaps as the articles have noted, it is time to cease managing one of our most precious resources with technology, methodology and cultural protocols that were developed well over 100 years ago. Let's modernize Idaho's water resource management practices and provide enhanced benefit to all of Idaho's citizens and its water-oriented visitors.

Idaho's neighbors, Utah, Colorado, Washington, and Oregon all have all taken steps to provide for fish and fisheries in their management of water resources. A summary of the information presented for Idaho's neighboring states would read "***Water rights in the western states can be assigned to the state for purposes of maintaining instream flows, drainage by drainage.***" None of the issues addressed below are unduly complex from a legislative standpoint.

Colorado provides for "Up to one million dollars to be appropriated to the CWCB annually to fund the acquisition of interests in water for instream flows. C.R.S. § 37-60-123.7 (2015).

Although individuals cannot hold an instream flow right in Colorado, individuals are incentivized to donate a portion of their water right that to the CWCB, via a tax credit to the water right holder that is issued at the discretion of the CWCB. C.R.S. § 39-22-533 (2015).

The Colorado Water Trust ("CWT") is a public non-profit group that advocates for the restoration of natural instream flows in Colorado. CWT works closely with the CWCB to effect market based water right transactions for the benefit of the environment."

Washington provides a Trust Water program to facilitate watershed enhancement through increased instream flows. The process functions as follows:

1.) The state of Washington purchases or leases surface water or groundwater;

2.) Trust Water is managed by the WDE for instream flows, irrigation, municipal, or other beneficial uses;

3.) A Trust Water right is retains the same priority date as the original water right that entered in the Trust Water program, although it is deemed inferior in priority to the original right;

4.) A water right that enters the Trust Water program is deemed to have the same consumptive amount as the right prior to entering the Trust Water program, unless it is a donated water right. The amount of donated water right is limited to the degree to which the water right was exercised during the last five years;

The WDE is authorized to use Trust Water for water banking. R.C.W. § 90.42.100(1) (2015). However, the transferor can impose conditions upon the use of the water that is placed in the Water Trust program.

It appears that the lack of individual instream flow right is irrelevant, as an individual can accomplish the same ends by donating a water right to the Trust Water program with the restriction that the water right be used solely to maintain instream flow. One could almost argue that it is a distinction without a difference.

Oregon law provides for individuals to hold an in stream flow right, based on water conserved from an existing water right. ORS. Rev. Stat. § 537.455-500 (2015). "In stream" is defined to mean, "within the natural stream channel or lake bed or place where water naturally flows or occurs. ORS. Rev. Stat. § 537.332(1) (2015).

The process includes:

1.) An individual makes "conservation measures" that decreases the amount of water used by the individual, under the individual's existing water right;

2.) The individual makes an application to the Water Resources Commission for allocation of the water conserved by the individual's conservation measures;

3.) The Water Resources Commission determines the amount of water conserved, allocates 25% of the conserved water to the state, and the remaining 75% to the applicant;

4.) The resulting water conserved from the original water right, and allocated to the applicant may be converted to an instream right;

5.) In the alternative, the applicant may reserve the in stream water right for future out-of-stream use;

6.) The resulting water right can have the same priority as the original water right, or be designated as one minute younger than the original water right, as decided by the applicant.

7.) An in-stream water right that is the product of a conservation measure has the same legal status as any other water right in Oregon.

This "water conservation" for in stream flows practice was started by the In Stream Water Right Act of 1987. A major portion of this statute is the conversion of 500 perennial stream flows to in stream water rights held by the state. Besides allocating in stream flows to state agencies, there have been more than 1,100 in stream leases, in stream transfers, and allocations of conserved water to individuals that restore water levels in Oregon's waterways.

Revisions to the current 8A - SUSTAINABILITY OF IDAHO'S WATER RESOURCES

(with ecosystem value inserts – written comments of John W. Sigler 9-30-16 to the IWRB

Water is the foundation of Idaho's economy and culture; the lives and livelihoods of Idahoans depend on a reliable supply of water. Stewardship of Idaho's water resources begins with the realization that the water resources of the State are not inexhaustible and therefore it is necessary to manage, administer, and take action to sustain, maintain and enhance the resource. ***This includes the preservation, management and enhancement of aquatic ecosystems services to include streams, rivers, wetlands and marshes. In addition, it includes preservation, management and enhancement of aquatic resources related to fish and fisheries, including sustainable flows of appropriate quality and quantity.*** Stewardship, by necessity, also includes taking affirmative steps to address declining trends in the resource where those trends exist and to establish policies that will prevent future unsustainable declines. The goal must be overall stewardship of the State's water resources for the good of the people of the State of Idaho.

The State of Idaho encompasses some of the most diverse and awe inspiring physical and geological features in the country. From the depths of Hells Canyon to the peak of Mount Borah, from sage brush deserts, to the extensive agricultural farm and ranch land, to alpine forests and meadows, to the cities and towns, the ecosystems of each of these varied areas all rely on the water resources of the State. The people of the State interact with and depend upon the water resources in these different landscapes in many different ways. Therefore, the water sustainability policy of the state of Idaho must embrace the diversity of the State, while recognizing the potential for a use or activity in one place to affect the water resources in another part of the State. ***This includes the preservation, management and enhancement of aquatic ecosystems services to include streams, rivers, wetlands and marshes. In addition, it includes preservation, management and enhancement of aquatic resources related to fish and fisheries, including sustainable flows of appropriate quality and quantity.***

Sustainable water management strategies to meet current and future needs must be based on adequate knowledge regarding available supplies, existing use, competing economic and social demands, and future needs. Planning and management actions to promote water sustainability must be designed and implemented to ensure that existing water rights are protected and the economic vitality of Idaho is optimized.

The goal of sustainable use of water resources of the State must recognize that the goals of sustainable economic growth and protection of existing rights must coexist and are enhanced by measures that protect and maintain surface and ground water resources and the aquatic, riparian and human resources that depend on these water resources. Recognizing these needs will promote economic and environmental security and enhance the quality of life for the people of the State of Idaho.

Implementation Strategies:

Ensure that all actions taken toward a sustainable water future protect and respect private property rights, both in the land and water rights

Inventory Idaho's water supply, current uses, and future water supply needs

Evaluate long-term and short-term trends in water availability for present and future uses

Identify areas where present water supplies are either inadequate for present uses or not sustainable, and develop management plans to address supply in an appropriate timeframe respecting private property rights

Identify management alternatives and projects that optimize existing and future water supplies without compromising water quality

Prioritize and implement management alternatives and projects where competing demands and future needs are most critical

Enhance water transfer mechanisms in Idaho law, policy and regulations to allow future economic opportunities to utilize existing water supplies, while protecting existing uses, ***This includes the preservation, management and enhancement of aquatic ecosystems services to include streams, rivers, wetlands and marshes. In addition, it includes preservation, management and enhancement of aquatic resources related to fish and fisheries, including sustainable flows of appropriate quality and quantity.***

Utilize the Idaho Water Resource Board's Funding Program and prioritize allocation of funds for projects that ensure water sustainability across the state

Identify water conservation measures that water users, municipalities, governmental agencies and other entities can undertake to help protect the water resources of the State and provide guidance to those entities on best practices to implement those conservation measures

Recognize that conservation measures may reduce water supplies utilized by others in other parts of the resource

Identify and provide funding for aquifer stabilization strategies throughout the state with due regard to the priorities of basin specific Comprehensive Aquifer Management Plans

Pursue enhancement of surface water storage supply as a mechanism for meeting Idaho's future water needs

Use a grassroots approach to identify problems and developing optimal solutions. The needs of individual basins must be taken into consideration in how the resource should be managed while recognizing the potential for decisions in one basin to affect the resources of another basin. An integrated and collaborative approach to water resource management is critical for the sound and efficient use of Idaho's water resources. The State of Idaho when appropriate should work together with, water users, tribes, local communities, neighboring states, and the federal government to resolve water issues. ***These policies and practices should include the preservation, management and enhancement of aquatic ecosystems services to include streams, rivers, wetlands and marshes. In addition, it includes preservation, management and enhancement of aquatic resources related to fish and fisheries, including sustainable flows of appropriate quality and quantity.***

Respectfully submitted, [electronically]

John W. Sigler, Pocatello, ID

Miller, Neeley

From: Tanya Anderson [tanyatravels@hotmail.com]
Sent: Friday, September 30, 2016 11:52 AM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

As you work towards finalizing the water sustainability policy, I want to take the opportunity to comment. First, I commend you for the time and effort you have put into drafting the policy, as well as the emphasis on water quantity that is in the current draft. However, I find it concerning that fish are not mentioned in the draft. While agricultural use of water is clearly important economically for our state, protection of sufficient water quantity and quality for sustainable fisheries is equally important. I urge you to add protection of fish and fisheries to the wording of the water sustainability policy.

I am also concerned with the prominence of protection of property rights in the policy. I own or co-own two parcels of land in residential areas of Teton Valley, Idaho, where my property rights include unlimited irrigation of non-agricultural land. The excessive watering of ornamental grass in residential neighborhoods in my upstream community has impacts on water quantity and quality downstream. As a property owner, I am willing to admit that more limitations to property rights, when it comes to water use, are needed to protect this valuable resource in our state. The current water rights associated with property rights may need to be edited in the future, and I hope that you will include that possibility in your water sustainability policy.

Thank you for your consideration of my comments.

Tanya Anderson
212 Bear Drive
Victor, ID 83455

Idaho Farm Bureau Federation
500 West Washington Street
Boise, Idaho 83702
(208) 342-2688 Fax (208) 342-8585

September 30, 2016

Idaho Water Resource Board
Attention: Sustainability Policy Committee
322 East Front Street, Boise, Idaho 83720

RE: COMMENTS – Addition of Sustainability Policy to the State Water Plan

To whom it may concern:

On behalf of the more than 76,000 member families of the Idaho Farm Bureau Federation, I submit these comments in regards to the proposed sustainability policy to the State Water Plan. For more than 75 years, the Idaho Farm Bureau has been the state's leading advocate for private property rights and prosperity which comes through the wise use and responsible stewardship of our natural resources. We thank the Committee and the Water Board for providing this opportunity to share our comments.

Idaho Farm Bureau Policy #53 states, "We support state ownership and control of Idaho water held in trust for the residents of the State of Idaho, and will oppose any policy, program or regulation … which would infringe on this right." The proposed sustainability section of the State Water Plan outlines the importance of active management and protection of this limited resource. Water is the State's life-blood and basis for future prosperity, economic sustainability and community growth. We appreciate the committee's recognition of the importance to uphold and respect existing water rights as part of the sustainability policy. Without this protection, the State's economy and prospect for future development/growth would be severely threatened.

The Idaho Farm Bureau also supports defining local public interest, under water right law, to give priority to beneficial uses and agriculture vitality. We oppose any policy or prioritization of water uses that would supersede existing water rights and use. Legal certainty and reliability of state water law is of utmost importance to water users and shareholders.

Basin stabilization and the need for aquifer recharge efforts should be a top state priority. Idaho Farm Bureau Policy #34 states, "We support the beneficial use of managed basin-wide aquifer recharge with the state being involved with both financial support and implementation." We are grateful to see that part of the implementation strategies for this sustainability policy includes the identification and providence of financial resources to ensure aquifer stabilization throughout the entire state. These state funds will need to be dependable and ongoing to ensure that recharge efforts are ultimately successful in stabilizing water basins and ensuring sustainable aquifer levels.

Adequate surface water storage is a major part of water sustainability. Idaho Farm Bureau is supportive of the construction of new, and the expansion of existing, reservoirs for the purpose of water storage for beneficial multiple use. Further water storage capacity will only improve the efficiency of the state's water management system, while also ensuring sufficient water supply for the state's many needs.

The protection of water quality is an important priority of the state. Sound, scientific water quality management practices should be used to ensure adequate and sufficiently-protective water quality levels, without becoming overly burdensome on important industries within the state. We believe water quality should be managed according to the United States Department of Agriculture (UDSA) Best Management Practices as contained in the Natural Resource Conservation Services Field Office Technical Guide, rather than social concerns or popular judgements. Water quality standards should be site specific and realistically achievable for each water body, while also being supportive of their designated beneficial uses.

The Idaho Farm Bureau always considers the importance of protecting water rights, managing water resources with an emphasis on beneficial use, and appropriate resource planning consistent with Idaho Law. We appreciate that many of these areas of concern are addressed in the proposed sustainability policy. We would oppose the addition of anything in this policy that would jeopardize existing water rights, property rights, economic activity and/or advancement. Sustainability policies must include consideration of life, livelihood, property rights, and prosperity.

On behalf of our entire membership at Idaho Farm Bureau, I thank you for your consideration of these comments. Feel free to contact Russ Hendricks or Braden Jensen at 342-2688 if you have any questions on the topic.

Sincerely,

Bryan Searle

Bryan Searle, President
Idaho Farm Bureau Federation

Miller, Neeley

From: Erin Zaleski [emizz4@hotmail.com]
Sent: Friday, September 30, 2016 11:56 AM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,
I am concerned about the draft water sustainability policy omitting fish and fisheries in the plan.

Idaho's world renown fisheries are part of Idaho's outdoor way of life and a major contributor to our economy. I understand that fisheries are mentioned in other parts of the State Water Plan, however any long term water planning in Idaho must specifically address the health and sustainability of Idaho's fisheries.

Erin Zaleski
6311 Solar Way
Boise, ID 83709

Miller, Neeley

From: David Hall [david_hall@hotmail.com]
Sent: Friday, September 30, 2016 1:05 PM
To: SWP
Subject: draft Water Sustainability Policy comments

Dear IWRB members,

When folks in North-central Idaho seek advice from IDWR for water rights applications, they generally come back with enormous volumes of water. These figures are hugely unreasonable for this region. I suggest that more realistic volumes of water be recommended for applicants to use.

David Hall
1334 Wallen Rd
Moscow, ID 83843

John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington
Scott A. Magnuson

BARKER ROSHOLT & SIMPSON LLP

163 Second Ave. West
P.O. Box 63
Twin Falls, ID 83303-0063
(208) 733-0700 telephone
(208) 735-2444 facsimile

1010 W. Jefferson St., Suite 102
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

Travis L. Thompson
tlt@idahowaters.com

September 30, 2016

VIA EMAIL ONLY: SWP@idwr.idaho.gov

Idaho Water Resource Board
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Comments on Proposed Sustainability Policy

Dear Idaho Water Resource Board Members:

I am writing on behalf of A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company. In addition, these comments are joined by Kent Fletcher on behalf of his clients American Falls Reservoir District #2 and Minidoka Irrigation District. Collectively our clients are referred to as the "Surface Water Coalition" or "Coalition." These written comments supplement the testimony provided by Coalition representatives at the June 28, 2016 public hearing in Twin Falls.

The Coalition appreciates Governor Otter's initiative to have the Board develop and include a "sustainability" section in the State Water Plan. Water is our state's most precious resource and the Coalition's shareholders and landowners rely upon a sustainable water supply to irrigate approximately 600,000 acres in southern Idaho. To that end, the Coalition further appreciates the Board's efforts to develop and implement a comprehensive program to recharge the Eastern Snake Plain Aquifer. The Board's acknowledgement of unacceptable groundwater declines across the aquifer has been instrumental in forcing water users to take actions to address this water supply problem.

The Coalition is currently working with several ground water districts to address systemic declines in the Eastern Snake Plain Aquifer. The parties are implementing the 2015 Settlement Agreement to achieve certain ground water level goals. The Coalition appreciates the State's support and believes the Board's sustainability policy, including its implementation strategies and milestones, will assist in this endeavor. Accordingly, the Coalition submits the following specific comments regarding the proposed "sustainability" section (identified in underscore/strikethrough format).

8A – SUSTAINABILITY OF IDAHO'S WATER RESOURCES

Sustainability is the active stewardship of Idaho's water resources to satisfy current uses and ~~assure~~ provide for future uses of this renewable resource in accordance with State law and policy.

The Coalition submits that the term "assure" may create confusion with respect to future water right appropriations and application of state policy. Any new appropriations throughout the State must comply with existing law, i.e. Idaho Code § 42-202 et seq., and other criteria that may apply to specific water resources, i.e. moratoriums, critical ground water areas, etc. Therefore, replacing the term "assure" with "provide for," or some other term, would avoid any future conflict and signal that "future uses" may not be assured in all instances. In other words, a proposed "future use" may not always be "assured."

Discussion:

First Paragraph

... Stewardship, by necessity, also includes taking affirmative steps to address existing declining trends in the resource ~~where those trends exist~~ and to establish policies that will prevent future ~~unsustainable~~ declines.

The Coalition submits the above proposed changes in the third sentence for wording purposes.

Second Paragraph

The State of Idaho encompasses some of the most diverse and awe inspiring physical and geological features in the country.~~,~~ ~~F~~from the depths of Hells Canyon to the peak of Mount Borah.~~, from sage brush deserts, to the extensive agricultural farm and ranch land, to alpine forests and meadows, to the cities and towns, the ecosystems of each of these varied areas all rely on the water resources of the State~~. Further, the varied geography spans sagebrush deserts, agricultural lands, vast forests, and urban areas that all rely upon water resources to thrive.

The Coalition submits the above proposed changes in the first sentence for wording purposes.

Third Paragraph

… Planning and management actions to promote water sustainability must be designed and implemented to ensure that existing water rights are protected and support the economic vitality of Idaho~~ is optimized~~.

The Coalition submits the above proposed changes to better describe the purpose of water planning and management actions.

Implementation Strategies:

~~Enhance water transfer mechanisms in Idaho law, policy, and regulations to allow future economic opportunities to utilize existing water supplies, while protecting existing uses~~

The Coalition submits the above referenced implementation strategy is confusing and may create the appearance of conflicts with existing statutes, rules, and policy. The transfer or rental of water rights is already covered by existing law. Although the Board operates the state water bank and approves local rental pool rules, it does not regulate water right transfers.

Milestones:

~~Respect for~~ Protect private property rights in accordance with State law and policy

The Coalition submits the term "protect" is stronger and should be used instead of "respect for."

The Coalition appreciates the Board's work on the State Water Plan and the proposed "sustainability" policy. As with any plan the Coalition is committed to participating in proper implementation to protect and sustain the state's water resources. Thank you for considering these comments.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

Travis L. Thompson

cc: Kent Fletcher
Dan Temple
Lynn Harmon
John Lind
Walt Mullins
Dan Davidson
Alan Hansten
Brian Olmstead

Miller, Neeley

From: Matt Nykiel [matthew.nykiel@gmail.com]
Sent: Friday, September 30, 2016 3:38 PM
To: SWP
Subject: Comments on the draft water sustainability policy

Dear IWRB members,

Thank you providing the opportunity to comment on the Board's draft Sustainability Policy addition to the 2012 State Water Plan.

I am concerned that Sustainability Policy, as currently drafted, presents an insufficient accounting of the ideas and strategies necessary to sustainably manage Idaho's water resources. Although the State Water Plan may already discuss certain policy considerations, this is not a reason to leave such considerations in the Sustainability Policy unmentioned. In my view, the final Sustainability Policy should include the following:

Aquatic Species

1) A valued part of the heritage of the Tribes native to Idaho and to the State of Idaho itself are the fish and other aquatic species of our rivers, lakes, and other wetland environments. Our state must insure that water is managed to sustain these species and their habitats into the future. Shockingly, the draft policy never mentions fish, fisheries, or aquatic species and should do so given our heritage and the inherent value of aquatic life in Idaho.

Climate Change

2) The final policy should also specifically state the need to plan and adjust for climate change. The impacts of climate change on Idaho's water resources, from snowpack to surface water, present formidable challenges. Nowhere in the draft policy is "climate change" mentioned. "Climate variability" is used, but our state cannot continue to be afraid to openly discuss "climate change." The stakes are too high to play semantic games, and, moreover, failing to own up to scientifically verified trends does not reflect the courage and sound judgment so prominent in the people of Idaho.

Agriculture

3) In the Implementation Strategies section, bullet nine recommends that the Board "identify water conservation measures that water users, municipalities, governmental agencies and other entities can undertake to help protect water resources...." Since Idaho's agricultural sector is responsible for 85% of the state of Idaho's total water use,* agriculture and ranching facilities should be specifically included in the list of entities for which the Board should identify conservation measures.

*https://www.cals.uidaho.edu/edcomm/magazine/winter2010/idaho.asp

Milestones

4) All implementation strategies in the final policy should be translated into corresponding "Milestones." In the draft policy, bullet nine in the Implementation Strategies section is

not translated into a corresponding milestone as many of the other implementation strategies are. The final policy should include a milestone to the effect of: "Identify best management practices and initiate water conservation programs that encourage and incentivize reducing water consumption."

Many of my comments revolve around the need for this sustainability policy to be complete, direct, and clear. Policies without these attributes are ineffective and a waste of Idahoans time and money. Please consider including strategies and milestones that recognize the needs of aquatic species and their habitats, and please consider incorporating direct and clear terms such as "climate change" and "reducing water consumption."

Thank you for your service and for your consideration of these suggestions.

Sincerely,
Matt Nykiel

Matt Nykiel
323 S. Boyer Avenue
Sandpoint, ID 83864

IDAHO
CONSERVATION
LEAGUE

208.345.6933 • PO Box 844, Boise, ID 83702 • www.idahoconservation.org

September 29, 2016

Idaho Water Resource Board
Re: Idaho Conservation League comments on the Draft Water Sustainability Policy

Submitted via email to SWP@idwr.idaho.gov

Dear Chairman Chase and Members of the Board:

On behalf of the Idaho Conservation League, I am writing to submit comments on the Idaho Water Resource Board's (IWRB) draft Sustainability Policy.

The Idaho Conservation League (ICL) is Idaho's oldest and largest state-based, non-profit conservation organization. ICL's twenty staff represent approximately 20,000 supporters from across the State; people who care deeply about Idaho's water resources.

Water is arguably our most valuable natural resource. Held in trust by the State for all Idahoans, water management is no small task. Thank you for undertaking this effort to plan for a sustainable water future.

ICL offers particular thanks for the draft policy's emphasis on protecting water quality, identifying conservation measures, evaluating water supply trends and forecasts, and allowing individual basins to collaboratively attempt to solve their own water issues.

As you know, Idahoans use more water domestically than people in any other state. Our agricultural industry is second only to CA in diversion of surface water. Being atop or near the top of these lists means there is great opportunity for efficiency in all aspects of Idaho's water use, and implementing such efficiencies should be the highest priority of ensuring a sustainable water supply.

Idaho's citizens and industries look to the IWRB for help in making the most of this finite resource while also not jeopardizing water quality, aquatic life, or overall river health. This draft policy is a step in the direction of achieving such a balance, and we ask for your serious consideration of our attached comments as you work to make the policy even more effective.

Thank you again for your efforts in creating this policy. Thank you as well for the opportunity to provide input in this process. Please contact me with any questions regarding ICL's comments.

Sincerely,

Marie Callaway Kellner

Marie Callaway Kellner
ICL Water Associate
mkellner@idahoconservation.org

Idaho Conservation League's Comments on the Idaho Water Resource Board's draft Sustainability Policy addition to the State Water Plan

September 29, 2016

1. **Water bodies in much of Idaho are overallocated which, by definition, is unsustainable. The draft policy does not address this.**

   Inherent in the concept of sustainability is that the future is ensured by not overextending the present. Unfortunately, the draft policy does not reflect this integral concept. Instead, this draft emphasizes and attempts to maintain all current uses. It also contemplates growth. While that may be appropriate in some scenarios, Snake River Basin water is overallocated. That overallocation is the crux of water disputes across Idaho and the result of an artificially inflated aquifer. The IWRB may very well want to shore up programs to aid such disputes *and* accommodate future growth, but when current use is already more than the system can bear, that is not true sustainability.

   To actually attempt to accommodate for current and future uses, this policy should place utmost emphasis on helping current consumptive uses reduce consumption. The listed strategies that address water transfers and water conservation measures are great steps in this direction. However, as the policy currently reads, an actual attempt to reduce current consumptive use is not a component of the policy. A partial remedy to this would be to rephrase the ninth bullet to read:

   > Identify water conservation measures that water users, municipalities, governmental agencies and other entities can undertake to help protect the water resources of the State and provide guidance *and funding* to those entities on best practices *and implementation of* those conservation measures.

2. **Drought planning is a necessary component of ensuring that future water needs are met.**

   The last thirty years of water supply in Idaho reflect increasingly lower amounts of overall annual supply than the prior decades. Climate forecasts model even more severe drought in the coming decades. Related, truly understanding and accommodating future water needs requires more than just conservation, additional storage and/or cloud seeding; it requires Idaho's water planners and

managers to be prepared for extensive drought. As currently proposed, the policy does not specifically address drought planning.

Perhaps the strategy about evaluating long-term and short-term trends in water availability coupled with the milestones about obtaining more accurate water forecasting and use of adaptive management are intended to address drought planning? If so, it's not clear. Recognizing the relationship between this specific policy and future funding, ICL strongly urges the IWRB to add 1) phrasing that clearly states drought planning is a necessary aspect of ensuring water sustainability and 2) a milestone that accounts for such planning.

3. **Idaho's fish deserve specific strategies and milestones in this policy.**

Idaho's native fish are iconic. Many of them are also imperiled; some are even endangered. ICL recognizes that fish are acknowledged in other sections of the State Water Plan; however, considering this draft policy 1) is the section of the SWP that specifically plans for the future, 2) future funds appropriated for sustainability projects will be tied to this specific policy, and 3) the instream needs of fisheries are often at odds with out-of-stream water uses, this policy must specifically strive to protect Idaho's fisheries.

By not including a strategy that acknowledges support for fish and their attendant industries within a policy intended to address future water needs in a state with imperiled fish and growing water stresses, the IWRB is picking favorites.

Idaho's fish need streamflows to survive, and healthy fisheries are a necessary component of supporting Idaho's economy. By not acknowledging that, the implication of this policy is that Idaho's tourism and recreation industries are proverbial second-class citizens. This includes hunting, fishing and rafting outfitters and lodges; other general lodging; all the travel and service businesses associated with these industries; and others.

Moreover, Idahoans recently--and overwhelmingly--adopted a constitutional amendment to hunt, fish and trap. Idaho's Constitution is its highest-ranking legal authority. To state the obvious: fish need water. As the state's water planning entity, it is the IWRB's responsibility to ensure this constitutional right is met to the extent possible.

While many of the IWRB's responsibilities lay in the realm of meeting the needs of current and anticipated out-of-stream water right holders, the Board also has a duty to plan on behalf of species and industries that require

healthy and flowing rivers, streams and lakes.

In the spirit of emphasis, I again state: it is not enough that fish are discussed in other sections of the State Water Plan. As the state's primary water planning body, when creating a sustainability policy it is not appropriate to pick winners and losers. Instead, it is the IWRB's challenge and responsibility to ensure Idaho's fisheries have the necessary protections to survive into an uncertain water future. That is a component of sustainable water planning.

Miller, Neeley

From: Dani Mazzotta [dani.k.mazzotta@gmail.com]
Sent: Friday, September 30, 2016 5:07 PM
To: SWP
Subject: Suggestions for draft water sustainability policy

Dear IWRB members,
I want to thank you for crafting the draft water sustainability policy. This is a very positive step in Idaho's water future.

However, I can't help but notice that no where in the policy are fisheries mentioned, nor is the importance of Idaho's waters to aquatic life or river health.

Fishing (and healthy rivers) are key to Idaho's way of life. I personally live along the Big Wood River in Hailey and we love to fish, swim, and take our dog to play here.

Ensuring that any type of sustainability policy that IDWR creates protects our ability to do all of this in the future is very important to me and my family.

Again, I commend your efforts in developing this policy and respectfully ask that you include the importance of Idaho's waters for fish and healthy rivers in the language of the final policy.

Regards,
Dani Mazzotta
Hailey, Idaho

Dani Mazzotta
200b firestation drive
Hailey, ID 83333

City of Ketchum

SWP@idwr.idaho.gov
WRB, ATTN: SWP, P. O. Box 83720-0098, Boise, ID 83720-0098

Office of the Mayor
City of Ketchum
P.O. Box 2315
480 East Ave. N.
Ketchum, ID 83340

September 30, 2016

Idaho Water Resource Board
P.O. Box 83720-0098
Boise, ID 83720-0098

Dear Idaho Water Resource Board Members,

Thank you for the opportunity to comment on the proposed Sustainability Section in the State Water Plan. Idaho's lakes, rivers, and ground waters constitute the lifeblood of our way of life, economy, natural environment, and people. Protecting these resources is critical to Idaho's future. We commend the Board and its staff for working to safeguard our common heritage.

The addition of an explicit Sustainability Section to the State Water Plan is a necessary first step towards designing appropriate legislation, policies, and programs to promote more sustainable use of Idaho's water resources and protect our environment. However, more concrete steps need to be taken to translate rough goals to measurable results. Toward that end, we ask that the state provide new tools that will allow us to sustainably manage our water resources locally. The current legal, institutional, and policy framework is insufficient to do so, and in various ways works in opposition to efforts to conserve water and protect our rivers, lakes, and aquifers. Measurable declines in aquifer levels and streamflows in the Wood River Valley and continued legal challenges suggest potential over-allocation of our local water supply.

It appears that many of Idaho's basins may be over-allocated, with too many water rights allocated for too little wet water. The state needs to own this problem and provide solutions that actually address this physical imbalance rather than merely shuffle it around. There are relatively few strategies that can truly improve this hydrologic deficit. Among them are:

- **Retiring existing water rights:** The state should develop mechanisms by which water rights can be retired, reduced, or transferred to in-stream flows when they are no longer needed, while retaining priority and economic value. Examples of state and federal programs that provide funding to permanently retire irrigation water rights include the Kansas Department

of Agriculture Water Right Transition Assistance Program, the US Department of Agriculture (USDA) Conservation Reserve Enhancement Program (CREP) for the Colorado Rio Grande Basin, and the US Bureau of Reclamation (USBR) Newlands Project Water Right Retirement Program (for the benefit of Pyramid Lake in Nevada).

- **Promoting water use efficiency upgrades and water conservation:** Programs and policies—including tax incentives, market mechanisms, and anti-forfeiture rules—should be put in place to incent water use efficiency and water conservation, while protecting water rights. Idaho's current legal and policy framework does not allow for water conservation without fear of jeopardizing water rights. The state might consider adopting programs like the State of Oregon's Allocation of Conserved Water Program, which allows water rights owners to implement conservation and efficiency measures and apply to the state for new water right for that volume of water saved—75% of which will go to the water right owner as a new water right holding the same rights and privileges as any other, and 25% of which will go to the state for an in-stream flow right. Other states, including California, Montana, Texas, and Washington, also have conserved water statutes.

- **Protection of Idaho's free-flowing waters:** The State Water Plan and the proposed Sustainability Section provide numerous references to the importance of protecting our free-flowing waters, yet, existing mechanisms to protect in-stream flows and fisheries are relatively weak. Implementation of robust statutes, programs, and policies to promote permanent protection of in-stream flows (for example, by allowing for transfer of existing water rights while preserving their priority dates) are necessary to make good on these promises. *Environmental Water Rights Transfers: A Review of State Laws* (Prepared by Water in the West for The National Fish and Wildlife Foundation; August 2015; http://waterinthewest.stanford.edu/sites/default/files/WITW-WaterRightsLawReview-2015-FINAL.pdf) provides an excellent comparative analysis of in-stream flow laws and policies across the west. Idaho has a relatively restrictive statutory regime and would do well to study the success of programs in Colorado, Montana, and elsewhere.

- **Recognition of value of Idaho's free-flowing waters:** We would like to see explicit recognition in the State Water Plan of the economic value of free-flowing waters to our state's economy. Idaho Department of Commerce reports that "According to the U.S. Travel Association, Idaho's $3.4 billion tourism industry employs more than 26,000 Idahoans and generates almost $500 million in local, state, and federal tax revenues." The importance of river recreation to Idaho's economy is undeniable. A study by Headwater Economics (High Divide Region—Summary of Recreation Economy, November 2014), which included analysis of Butte, Clark, Custer, Fremont, and Lemhi counties, Idaho (along with Beaverhead and Madison Counties in Montana), shows that in these counties, Idaho's recreational economy—much of which is centered around our rivers—provides for more jobs than does the agricultural economy. For example, 46 percent of private employment in Clark County consists of travel and tourism-related jobs, while agriculture provides 14 percent of this job base. Similarly, travel and tourism provide 36 percent of the jobs in Custer County, compared to 9 percent from agriculture. An analysis of the value of the outdoor recreational economy to Central Idaho (McKean and Taylor, *Outdoor Recreation Use and Value: Snake River Basin of Central Idaho*, Idaho Experiment Station Bulletin 2000, University of Idaho) suggests that anglers and non-angler river recreationalists spent $298.8 million per year (1998 dollars) visiting central

Idaho. Protection of our unfettered water resources should be given the priority required to sustain them for both their inherent value and worthy contribution to our state's economy.

- **Reduce the Domestic Exemption volume:** The state has been reticent to address the challenges posed by the Domestic Exemption, which provides homeowners, by rights, well water use up to 13,000 gallons per day and irrigation of ½ acre. The most obvious problems with this policy include that of parity (this volume provides a duty of water of 2" per acre, while agricultural uses are generally allowed 1" per acre); an overly generous limit (in comparison, average household water use in the U.S. is about 300 gallons per day); and the lack of accounting and enforcement of domestic water use in watershed planning. By way of example, analysis of IDWR records through 2009 suggests that the number of wells and volume of water allocated to domestic exemption rights in the Wood River Valley far exceeds that of municipal rights (Figure 1), yet, there is little discussion of the cumulative impact of domestic water use and little effort to track and regulate these uses.

Our community cares deeply about these issues and is working hard to develop collaborative approaches to more sustainably manage our water resources and avoid protracted and expensive legal proceedings. We need the state to assist us in this effort by removing legislative and administrative hurdles and providing tools to incent efficient water use and water conservation. We would like to become a model community that manages its water sustainably for future generations and the health of our natural environment, and need your help to do so.

Thank you for considering our concerns as you work to incorporate sustainability concerns into the State Water Plan.

Sincerely,

Nina Jonas, Mayor
City of Ketchum
P.O. Box 2315
480 East Ave. N.
Ketchum, ID 83340

SUBMITTED TO THE IDAHO WATER RESOURCE BOARD
IN OPPOSITION TO THE CREATION OF A GROUNDWATER MANAGEMENT AREA

My name is Robert Murdock. I reside at 1473 West Hoff Rd. Blackfoot Idaho. I am writing on behalf of the people whose signatures appear on this document.

There is not a doubt in my mind that as of the date of this hearing the Director of the Department of Water Resources does not have statutory authority to create a Groundwater Management Area pursuant to Idaho Code §42-233b. A "Ground water management area" is defined as any ground water basin or designated part thereof which the Director of the Department of Water Resources has determined may be approaching the condition of a critical ground water area. Certainly that is not the case with the Eastern Snake River Plain. Data show surface irrigation is contributing over 1 million acre-feet of water to the aquifer each year in addition to at least 2.5 million acre-feet of natural recharge. A Critical Ground Water area is the result of conditions where the basin aquifer recharge is less than basin aquifer withdrawals. The fact is the estimated 500,000,000 acre-feet of natural storage in the ESPA has never been diminished by withdrawals from the aquifer. Superimposed on that volume of natural aquifer storage is several million acre-feet of water that would not be there except for irrigation related recharge. The Department has attributed the declines in that augmented aquifer storage to pumping of ground water for irrigation. I will argue that the only basis for blaming pumpers for decreases in aquifer storage is not science but speculation. The data clearly show that the decline in recharge is related to drought, which is reflected by the unregulated hydrograph for the Snake River near Heise.

Hydrologists frequently do mass balance analyses and the mass balance equation in its simplest form is: Outflow – Inflow = the change in storage. We have excellent long-term data for Heise, Milner, Thousand Springs and King Hill. Mass balance analyses can and have been done for the basin. The fact is the assumed depletion of water from the basin is a big number in the range of 5 million acre-feet. If there was an out-of-basin consumptive diversion of that magnitude and it commenced after 1900, it would show up in the King Hill data. The fact is the regression line for King Hill form 1900 to the present is horizontal, meaning the basin outflow volume has not been changed by irrigation depletions. Declines in Thousand Springs simply show the movement of basin storage from above Milner to below Milner. Since the aquifer is the biggest source of storage in the basin, aquifer storage represents the major supply of out-of-basin storage diversions.

The Department and the courts have held groundwater users accountable for the State's decision to release water out of the basin that had been appropriated by pumpers. Not only are groundwater rights injured by releasing our water supplies past Milner, the water that previously was allocated for use in Idaho now is being released for the benefit of down-stream states. If irrigation agriculture on the Eastern Snake Plain is depleting the 5 million + acre-feet of water each year as the IDWR claims, we are requesting that the state produce the data from the measured mass balance data to confirm that. We do not believe this depletion is irrigation related.

The Boards sustainability policy can be one sentence. "It shall be the policy of the state that the 30 year average volume past Milner shall not be allowed to exceed 1.5 million acre-feet/year."

Respectfully submitted: Robert A. Mead 1473 W. Hoff RD, Blackfoot

1345. 1900 w. Pingree

1427 West Hwy 39 Pingree

1087 w 100 S Blackfoot Id

1105 1075W Blackfoot. ID

682. S. 1 West. Pingree Id 83262

Alan Stunder 50 SOUTH 900 WEST BLACKFOOT