



STATE OF IDAHO

IDAHO WATER RESOURCE BOARD

STATEHOUSE
BOISE, IDAHO 83720

MINUTES OF MEETING NO. 1-85
IDAHO WATER RESOURCE BOARD
BOISE, IDAHO
JANUARY 17, 1985

Meeting No. 1-85 of the Idaho Water Resource Board was called to order by Chairman Donald R. Kramer at 1:00 p.m., Thursday, January 17, 1985 at the Department of Water Resources, Conference Room, Third Floor, State Towers Building, 450 W. State Street, Boise, Idaho
(Sony Recording Tapes #1-2.)

Agenda Item No. 1. Roll Call

PRESENT:

Donald R. Kramer, Chairman
Gene M. Gray, Vice Chairman
Richard W. Wagner, Member
J. D. Williams, Member
F. Dave Rydalch, Member

ABSENT:

Franklin Jones, Secretary
James Shawver, Member
Robert M. Hammes, Member

DEPARTMENT OF WATER RESOURCES STAFF PRESENT:

W. Haas, N. Young, D. Clapp, P. Rassier, F. Eisenbarth, B. Eastlake, V. King
and A. Warntjes

OTHERS PRESENT:

Robert E. Lewis, U.S. Geological Survey; Harold C. Miles, Idaho Consumers Affairs, Idaho Wildlife Federation and Golden Eagle Audubon Society; Doli Obee, League of Women Voters; Ron Zellar, Statesman; Richard L. Hahn, Idaho Power Company; Sue Simmons, Division of Financial Management, Jerry Eggleston, CH2M Hill; and Dick Anderson, Bureau of Land Management.

Agenda Item No. 2. Approval of 10-84 Minutes of December 13, 1984 Board Meeting

Richard W. Wagner, Member, moved Board adoption of 10-84 Minutes of December 13, 1985 Board meeting as circulated to members. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, Jones, Absent, Shawver, Absent, and Hammes, Absent.

Agenda Item No. 3. Executive Session - Reorganization of Board

Gene M. Gray, Vice Chairman, moved the Board recess into executive session. J. D. Williams, Member, seconded the motion.

Motion passed by roll call vote: 5 Ayes, 0 Nays, 3 Absent: Gray, Aye; Kramer, Aye; Rydalch, Aye; Wagner, Aye; and Williams, Aye; Hammes, Absent; Jones, Absent, and Shawver, Absent.

Executive session was called to discuss the reorganization of the officers of the Board. The Board also discussed legal representation in the matter of Application for Permit No. 73-7045 to establish a minimum stream flow in the Pahsimeroi River, which has been appealed by the Department of Fish and Game.

Agenda Item No. 4. IWRB - Organization for 1985

Chairman Donald R. Kramer asked for nominations for the offices of Chairman, Vice Chairman and Secretary of the Board.

J. D. Williams, Member, moved Board elect Gene M. Gray, Chairman, Richard W. Wagner, Vice Chairman and James Shawver, Secretary of the Board. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

Agenda Item No. 5. Review and Update State Water Plan

- a. Policy 32 - Snake River Basin
- b. Ground Water Policy Alternatives

a. Policy 32 - Snake River Basin. Wayne T. Haas, Administrator, Resources Analysis Division, reminded the Board members at the last meeting they discussed and agreed to take a draft Policy 32 to public hearings for comment. The draft policy reflects the changes needed in the State Water Plan for it to be compatible with the Swan Falls Agreement. Since the last meeting staff has worked with Gene M. Gray, Chairman, to write the text material which explains in detail the policy. Frank Sherman, department staff, reviewed the draft Policy 32 and text material (ATTACHMENT 1) for the Board. Basic draft Policy 32 establishes that the minimum stream flows will be the governing mechanism for managing the Snake River. The draft policy states minimum flows for Johnson Bar

and Lime Point. The Attorney General's Office is concerned that any state recognition of a federally established flow may set a precedent of what value the state would accord to federally established flows. Another concern expressed on the draft policy is that by adding the minimum flows at Johnson Bar and Lime Point, the state may be responsible for all or part of the funding for an adjudication of the flows. The last two sentences of the text tries to take away the idea that "8400 cfs" is the magic flow from which 3900 cfs is subtracted to arrive at a negotiable block of water for appropriation upstream from Murphy gaging station. Actually, the negotiable block of water is different at each of Idaho Power Company's facilities. The amount of Idaho Power Company's claimed water rights at any of its facilities, based on the Swan Falls Agreement, is held in state trust down to the flow of 3900 cfs in summer and 5600 cfs in winter at the Murphy gaging station.

b. Ground Water Policy Alternatives. Frank Sherman, department staff, indicated that as soon as the Swan Falls Agreement is finalized, the Board may wish to continue addressing a state ground water policy. Chairman Gene M. Gray assured staff of the Board's intention to pursue a state ground water policy.

Agenda Item No. 6. IWRB Financing Programs

- a. Loan and Grant Applications
- b. Bond and Inducement Resolutions
- c. Annual Report

b. Bond and Inducement Resolutions. Bill Eastlake, department staff, reported the department has prepared for the Board's consideration Bond Resolution No. 84-64 to Gentillon Brothers for \$80,000 to purchase and install two center pivot irrigation systems on existing farmlands.

Donald R. Kramer, Member, moved Board adoption of Bond Resolution No. 84-64 (ATTACHMENT 2) to Gentillon Brothers for \$80,000 to purchase and install two center pivot irrigation systems on existing farmlands. J. D. Williams, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

On December 10, 1984 the department received an application for Board financing through the bond program from Evan D. Dance for \$75,000 to purchase and install a center pivot irrigation system on existing farmlands. The department has prepared for Board consideration Bond Resolution No. 84-92 to Evan D. Dance for \$75,000.

J. D. Williams, Member, moved Board adoption of Bond Resolution No. 84-92 (ATTACHMENT 3) to Evan D. Dance for \$75,000 to purchase and install a center pivot irrigation system on existing farmlands. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

On December 10, 1984 the department received an application for Board financing through the bond program from John Olsen for \$50,000 to purchase and install a center pivot irrigation system, including mainline and pump, on existing farmlands. The department has prepared for Board consideration Bond Resolution No. 84-93 to John Olsen for \$50,000.

Richard W. Wagner, Vice Chairman, moved Board adoption of Bond Resolution No. 84-93 (ATTACHMENT 4) to John Olsen for \$50,000 to purchase and install a center pivot irrigation system, including mainline and pump, on existing farmlands. Donald R. Kramer, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

The department received an application for Board financing through the bond program from George Hansen for \$78,000 to purchase and install a center pivot irrigation system on existing farmlands. The department has prepared for Board consideration Bond Resolution No. 84-96 to George Hansen for \$78,000.

F. Dave Rydalch, Member, moved Board adoption of Bond Resolution No. 84-96 (ATTACHMENT 5) to George Hansen for \$78,000 to purchase and install a center pivot irrigation system on existing farmlands. Richard W. Wagner, Vice Chairman, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

On December 27, 1984 the department received an application for Board financing through the bond program from Clint Krehbiel for \$65,600 to purchase and install a wheel line irrigation system, including power line, pumping, mainline, rock-clearing and moving a headgate for 35 acres of existing farmland and 65 acres of non-cultivated land. Water rights are in order. The department has prepared for Board consideration Inducement and Bond Resolutions No. 84-97 to Clint Krehbiel for \$65,600.

Donald R. Kramer, Member, moved Board adoption of Inducement Resolution No. 84-97 (ATTACHMENT 6) and Bond Resolution No. 84-97 (ATTACHMENT 7) to Clint Krehbiel for \$65,600 to purchase and install a wheel line irrigation system, including power line, pumping, mainline, rock-clearing and moving a headgate for 35 acres of existing farmland and 65 acres of non-cultivated land. J. D. Williams, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

On January 7, 1985 the department received an application for Board financing through the bond program from Dean Snarr & Sons, A Partnership, for \$74,000 to purchase and install a center pivot irrigation system on existing farmlands. Total project cost is \$83,552. The department has prepared for Board consideration Inducement and Bond Resolutions No. 85-01 to Dean Snarr & Sons, A Partnership, for \$74,000.

Richard W. Wagner, Vice Chairman, moved Board adoption of Inducement Resolution No. 85-01 (ATTACHMENT 8) and Bond Resolution No. 85-01 (ATTACHMENT 9) to Dean Snarr & Sons, A Partnership, for \$74,000 to purchase and install a center pivot irrigation system on existing farmlands. J. D. Williams, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

On January 7, 1985 the department received an application for Board financing through the bond program from Dean Snarr, Dennis Snarr and Gene Rockwood for \$37,000 to purchase and install a center pivot irrigation system on existing farmlands. Total project cost is \$42,202. The department has prepared for Board consideration Inducement and Bond Resolutions No. 85-02 to Dean Snarr, Dennis Snarr and Gene Rockland for \$37,000.

F. Dave Rydalch, Member, moved Board adoption of Inducement Resolution No. 85-02 (ATTACHMENT 10) and Bond Resolution No. 85-02 (ATTACHMENT 11) to Dean Snarr, Dennis Snarr and Gene Rockwood for \$37,000 to purchase and install a center pivot irrigation system on existing farmlands. Richard W. Wagner, Vice Chairman, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

On January 14, 1985 the department received an application for Board financing through the bond program from G & R Farm for \$41,000 to purchase and install a center pivot irrigation system on existing farmlands. The department has prepared for Board consideration Inducement and Bond Resolutions No. 85-03 to G & R Farm for \$41,000.

Donald R. Kramer, Member, moved Board adoption of Inducement Resolution No. 85-03 (ATTACHMENT 12) and Bond Resolution No. 85-03 (ATTACHMENT 13) to G & R Farm for \$41,000 to purchase and install a center pivot irrigation system on existing farmlands. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

On January 14, 1985 the department received an application for Board financing through the bond program from Oakley Canal Company for \$500,000 to repair and renovate a reservoir irrigation tunnel to allow safe drainage of spring flood waters from Oakley Reservoir on a long term, permanent basis. The department has prepared for Board consideration Inducement Resolution No. 85-04 to Oakley Canal Company for \$500,000.

Donald R. Kramer, Member, moved Board adoption of Inducement Resolution No. 85-04 (ATTACHMENT 14) to Oakley Canal Company for \$500,000 to repair and renovate a reservoir irrigation tunnel to allow safe drainage of spring flood waters from Oakley Reservoir on a long term, permanent basis. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

On January 14, 1985 the department received an application for Board financing through the bond program from D/I Ranch, c/o LeRay Burke, for \$150,000 to purchase and install a center pivot irrigation system on existing farmlands. The department has prepared for Board consideration Inducement Resolution No. 85-05 to D/I Ranch for \$150,000.

Richard W. Wagner, Vice Chairman, moved Board adoption of Inducement Resolution No. 85-05 (ATTACHMENT 15) to D/I Ranch, c/o LeRay Burke, for \$150,000 to purchase and install a center pivot irrigation system on existing farmlands. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

On January 15, 1985 the department received an application for Board financing through the bond program from Orlo H. Maughan for \$68,000 to purchase and install a wheel line irrigation system on existing farmlands. Total project cost is \$85,000. The department has prepared for Board consideration Inducement and Bond Resolutions No. 85-06 to Orlo H. Maughan for \$68,000.

J. D. Williams, Member, moved Board adoption of Inducement Resolution No. 85-06 (ATTACHMENT 16) and Bond Resolution No. 85-06 (ATTACHMENT 17) to Orlo H. Maughan for \$68,000 to purchase and install a wheel line irrigation system on existing farmlands. Donald R. Kramer, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

On January 16, 1985 the department received an application for Board financing through the bond program from Neilson Skyline Farms Ltd. for \$400,000 to purchase and install a center pivot irrigation system, including electrical wiring and mainline, on existing farmlands. The department has prepared for Board consideration Inducement Resolution No. 85-08 to Neilson Skyline Farms Ltd. for \$400,000.

Richard W. Wagner, Vice Chairman, moved Board adoption of Inducement Resolution No. 85-08 (ATTACHMENT 18) to Neilson Skyline Farms Ltd. for \$400,000 to purchase and install a center pivot irrigation system, including electrical wiring and mainline, on existing farmlands. F. Dave Rydalch, Member, seconded the motion.

Motion passed by voice vote: 5 Ayes, 0 Nays, 3 Absent.

c. Annual Report. Wayne T. Haas, Administrator, Resources Analysis Division, explained the annual report of the Board's financing program was being printed and will be submitted to the legislature. Two rough draft copies were passed to the Board members for their review. Mr. Haas suggested that the bond program be placed on the agenda of a spring Board meeting for the Board to review and decide if the program should continue. Several years ago when staff introduced the program, staff believed the program would become

self sufficient. It now appears the program will not be self sufficient due to changes in the federal law and IRS regulations on hydropower projects. The Board has approved one major project for \$4.5 million and numerous small projects to date. Donald R. Kramer, Member, suggested staff develop for the Board, in its consideration of the program, an application fee which would cause the program to become self sufficient.

a. Loan and Grant Applications. Wayne T. Haas, Administrator, Resources Analysis Division, advised the Board that Oakley Canal Company sent a letter of intent requesting a \$200,000 loan from the Revolving Development Account for the repair and rehabilitation of the outlet facilities of the Oakley Reservoir. The department and canal company have requested emergency funding and help from the Corps of Engineers on the project, but if funding is not available, the canal company is requesting a Board loan on a contingency basis to complete the work prior to the deadline date of March, 1985 set by the Department of Water Resources.

Donald R. Kramer, Member, moved Board adoption of a resolution (ATTACHMENT 19) to loan \$200,000 to the Oakley Canal Company at 9% for 10 years from the Revolving Development Account to repair and rehabilitate the outlet facilities of the Oakley Reservoir Dam, with the added condition of an annual repayment clause. F. Dave Rydalch, Member, seconded the motion.

Motion passed by roll call vote: 5 Ayes, 0 Nays, 3 Absent: Gray, Aye; Kramer, Aye; Rydalch, Aye; Wagner, Aye; Williams, Aye; Hammes, Absent, Jones, Absent, Shawver, Absent.

Agenda Item No. 7. Director's Report

Wayne T. Haas, Administrator, Resources Analysis Division, made available for the Board a copy of the Public Utilities Commission order postponing any action on its part on Swan Falls until the legislature considered the terms of the Swan Falls Agreement.

Galloway project update: The Weiser Advisory Committee met yesterday in Boise. The project's status report is being printed and will be submitted to the legislature in the next couple of weeks. The report notes that the feasibility study by the Corps of Engineers is to be finished in December, 1985; a draft report will be available for review in July. No state funding is being requested for FY 1986. If the study recommends the project feasible, public information meetings will be held in the area to determine if the local people are in favor of the project.

The consultant hired by the Utah legislature has completed his study on alternatives of diverting water from the Bear River through the Portneuf River to the Snake River Basin. The report determined the project was not feasible.

Utah Department of Natural Resources has sent Idaho a technical report on a dam site downstream from the Oneida Dam. The report concludes that it is feasible to construct a dam at the proposed site. The department will keep the Board informed on the project as more information is available.

Mr. Haas serves as chairman of the Idaho Water Resource Research Institute Advisory Committee. In the committee's last meeting, the members decided in favor of sponsoring or co-sponsoring an Idaho water seminar in 1986. Mr. Haas asked if the Board members would be interested in becoming involved in a seminar. The Board indicated an interest and requested more information. Mr. Haas will provide a proposed agenda for the Board to review.

In the latest Currents issue, there is an article on the department's energy programs and funding. The department has sent each legislator a letter about the energy programs, where last year's energy dollars were spent in his district, and the department's funding request of \$119,100 for the coming year to meet federally required "state match" funds.

Phil Rassier, department legal counsel, explained the appeal filed by the Department of Fish and Game in April, 1984 on two of the conditions the Department of Water Resources placed on the Board's minimum stream flow application on the Pahsimeroi River. Department of Fish and Game objected to the condition of subjecting the minimum flow to all reasonable existing irrigation practices in the area. Fish and Game staff feel that by placing this condition on the permit is recognizing that some irrigation practices may be over and above what the irrigators are entitled to in accordance with their water rights. The director placed the condition on the permit because the application of excess amounts of water during the early part of the season may recharge the aquifer system and maintain the flows in the lower part of the Pahsimeroi River later in the season. The main reason the Board, as permit holder, may wish to become involved is that the permit is in your name and to the extent that the Board agrees to the conditions placed on the permit, this will be important to the court.

J. D. Williams, Member, moved the Board hire Phil Barber as its legal counsel in the litigation involving the minimum stream flow application on the Pahsimeroi River between the Department of Fish and Game and Department of Water Resources. Donald R. Kramer, Member, seconded the motion.

Motion passed by roll call vote: 5 Ayes, 0 Nays, 3 Absent: Gray, Aye; Kramer, Aye; Rydalch, Aye; Wagner, Aye; Williams, Aye; Hammes, Absent; Jones, Absent; and Shawver, Absent.

Agenda Item No. 8. Items Board Members May Wish to Present

F. Dave Rydalch, Member, informed the Board that several farmers in the Egin Bench area met to discuss the impact that conversion of sub-irrigation practices to sprinkler irrigation systems will have on ground water in the area. The sub-irrigators have formed a non-profit organization to try to perpetuate sub-irrigation practices through land purchases and possible litigation against the conversion to sprinkler systems.

Donald R. Kramer, Member, requested that the slide show on water rights developed by the Committee of Nine be made available for the Board to view at its earliest convenience.

Donald R. Kramer, Member, expressed his appreciation to the Board members and staff for all the support and cooperation he received as a Board member and Chairman during his years of public service to the Board and state of Idaho.

The next Board meeting will be March 1 with a full day work session on February 28. Chairman Genc M. Gray requested staff arrange a farewell banquet for the evening of February 28 for those Board members who have recently left or will be leaving state service.

Meeting adjourned at 3:15 p.m.


JAMES SHAWVER
Secretary

BOARD ACTIONS:

1. Adopted 10-84 Minutes of December 13, 1984 Board meeting. (Page 2)
2. Recessed into executive session. (Page 2)
3. Elected Board Officers Genc M. Gray, Chairman, Richard W. Wagner, Vice Chairman and James Shawver, Secretary. (Page 2)
4. Adopted Bond Resolution No. 84-64 to Gentillon Brothers for \$80,000 to purchase and install two center pivot irrigation systems on existing farmlands. (Page 3)
5. Adopted Bond Resolution No. 84-92 to Evan D. Dance for \$75,000 to purchase and install a center pivot irrigation system on existing farmlands. (Page 3)
6. Adopted Bond Resolution No. 84-93 to John Olsen for \$50,000 to purchase and install a center pivot irrigation system, including mainline and pump, on existing farmlands. (Page 4)
7. Adopted Bond Resolution No. 84-96 to George Hansen for \$78,000 to purchase and install a center pivot irrigation system on existing farmlands. (Page 4)
8. Adopted Inducement and Bond Resolutions No. 84-97 to Clint Krehbiel for \$65,600 to purchase and install a wheel line irrigation system, including power line, pumping, mainline, rock-clearing and moving a headgate for 35 acres of existing farmland and 65 acres of non-cultivated land. (Page 4)
9. Adopted Inducement and Bond Resolution No. 85-01 to Dean Snarr & Sons, A Partnership, for \$74,000 to purchase and install a center pivot irrigation system on existing farmlands. (Page 5)

10. Adopted Inducement and Bond Resolutions No. 85-02 to Dean Snarr, Dennis Snarr and Gene Rockwood for \$37,000 to purchase and install a center pivot irrigation system on existing farmlands. (Page 5)
11. Adopted Inducement and Bond Resolution No. 85-03 to G & R Farm for \$41,000 to purchase and install a center pivot irrigation system on existing farmlands. (Page 5)
12. Adopted Inducement Resolution No. 85-04 to Oakley Canal Company for \$500,000 to repair and renovate a reservoir irrigation tunnel to allow safe drainage of spring flood waters from Oakley Reservoir on a long term, permanent basis. (Page 5)
13. Adopted Inducement Resolution No. 85-05 to D/I Ranch, c/o LeRay Burke, for \$150,000 to purchase and install a center pivot irrigation system on existing farmlands. (Page 6)
14. Adopted Inducement and Bond Resolutions No. 85-06 to Orlo H. Maughan for \$68,000 to purchase and install a wheel line irrigation system on existing farmlands. (Page 6)
15. Adopted Inducement Resolution No. 85-08 to Neilson Skyline Farms Ltd. for \$400,000 to purchase and install a center pivot irrigation system, including electrical wiring and mainline, on existing farmlands. (Page 6)
16. Adopted a resolution to loan \$200,000 to the Oakley Canal Company at 9% for 10 years from the Revolving Development Account to repair and rehabilitate the outlet facilities of the Oakley Reservoir Dam, with the added condition of an annual repayment clause. (Page 7)
17. Hired Phil Barber as the Board's legal counsel in the litigation involving the minimum stream flow application on the Pahsimeroi River between the Department of Fish and Game and Department of Water Resources. (Page 8)

BOARD ATTACHMENTS:

1. Draft Policy 32 and text material. (Page 2)
2. Bond Resolution No. 84-64 to Gentillon Brothers for \$80,000. (Page 3)
3. Bond Resolution No. 84-92 to Evan D. Dance for \$75,000. (Page 3)
4. Bond Resolution No. 84-93 to John Olsen for \$50,000. (Page 4)
5. Bond Resolution No. 84-96 to George Hansen for \$78,000. (Page 4)
6. Inducement Resolution No. 84-97 to Clint Krehbiel for \$65,600. (Page 4)
7. Bond Resolution No. 84-97 to Clint Krehbiel for \$65,600. (Page 4)

8. Inducement Resolution No. 85-01 to Dean Snarr & Sons, A Partnership, for \$74,000. (Page 5)
9. Bond Resolution No. 85-01 to Dean Snarr & Sons, A Partnership, for \$74,000. (Page 5)
10. Inducement Resolution No. 85-02 to Dean Snarr, Dennis Snarr and Gene Rockwood for \$37,000. (Page 5)
11. Bond Resolution No. 85-02 to Dean Snarr, Dennis Snarr and Gene Rockwood for \$37,000. (Page 5)
12. Inducement Resolution No. 85-03 to G & R Farm for \$41,000. (Page 5)
13. Bond Resolution No. 85-03 to G & R Farm for \$41,000. (Page 5)
14. Inducement Resolution No. 85-04 to Oakley Canal Company for \$500,000. (Page 5)
15. Inducement Resolution No. 85-05 to D/I Ranch, c/o LeRay Burke, for \$150,000. (Page 6)
16. Inducement Resolution No. 85-06 to Orlo H. Maughan for \$68,000. (Page 6)
17. Bond Resolution No. 85-06 to Orlo H. Maughan for \$68,000. (Page 6)
18. Inducement Resolution No. 85-08 to Neilson Skyline Farms Ltd. for \$400,000. (Page 6)
19. Resolution to loan Oakley Canal Company \$200,000 at 9% for 10 years from the Revolving Development Account to repair and rehabilitate the outlet facilities of the Oakley Reservoir Dam, with the added condition of an annual repayment clause.

Proposed Revisions to Policy 32,
Idaho State Water Plan

Policy 32 - Snake River Basin

It is the policy of Idaho that the ground water and surface water of the basin be managed to meet or exceed a minimum average daily flow of zero measured at the Milner gaging station, 3900 cfs from April 1 to October 31 and 5600 cfs from November 1 to March 31 measured at the Murphy gaging station, and 4750 cfs measured at the Weiser gaging station. A minimum average daily flow of 5,000 cfs at Johnson's Bar shall be maintained and an average daily flow of 13,000 cfs shall be maintained at Lime Point (river mile 172) a minimum of 95 percent of the time. Lower flows may be permitted at Lime Point only during the months of July, August, and September.

Waters not held in trust by the State in accordance with Policy 32A shall be allocated according to the criteria established by Idaho Code 42-203A.

The minimum flows established for the Snake River at Murphy and Weiser gaging stations are management constraints; they further insure that minimum flow levels of Snake River water will be available for hydropower, fish, wildlife, and recreational purposes. The establishment of a zero minimum flow at the Milner gaging station allows for existing uses to be continued and for some new uses above Milner. The zero flow established at Milner means that river flows downstream from that point to Swan Falls Dam may consist almost entirely of ground-water discharge during portions of low-water years. The Snake River Plain aquifer which provides this water must therefore be managed as an integral part of the river system.

The minimum flows established for Johnson's Bar and Lime Point are contained in the original Federal Power Commission license for the Hells Canyon hydropower complex. By adopting these flows, the Idaho Water Resource Board recognizes the importance of minimum flows to downstream uses and makes their maintenance a matter of state water policy. Article 43 of the power license provides that:

"The project shall be operated in the interest of navigation to maintain 13,000 cfs flow in the Snake River at Lime Point (river mile 172) a minimum of 95 percent of the time, when determined by the Chief of Engineers to be necessary for navigation. Regulated flows of less than 13,000 cfs will be limited to the months of July, August, and September, during which time opera-

tion of the project would be in the best interest of power and navigation, as mutually agreed to by the Licensee and the Corps of Engineers. The minimum flow during periods of low flow or normal minimum plant operations will be 5,000 cfs at Johnson's Bar, at which point the maximum variation in river stage will not exceed one foot per hour. These conditions will be subject to review from time to time as requested by either party."

Snake River flows above the hydropower right at any Idaho Power facility are considered unappropriated and therefore are not held in trust by the state. This distinction is further addressed in Policy 32A.

Policy 32A - Water Held in Trust by the State

It is the policy of Idaho that water held in trust by the state pursuant to Idaho Code 42-203B be reallocated to new uses in accordance with the criteria established by Idaho Code 42-203A and 42-203C.

The agreement between the state of Idaho and Idaho Power Company dated October 25, 1984 provides that Idaho Power's claimed water right of 8400 cfs at the Swan Falls dam may be reduced to 3900 cfs. The claimed water right of 8400 cfs is deemed appropriated and the amount above the minimum flow established in Policy 32 up to the 8400 cfs is held in trust by the state. The agreement further provides that Idaho Power's claimed water rights at facilities upstream from Swan Falls shall be considered satisfied when the company receives the minimum flow specified in Policy 32 at the Murphy gaging station. The 8400 cfs claim of the power company has not historically been available during summer months.

The 8400 cfs claimed right is reduced by the agreement to that flow available after satisfying all applications or claims that demonstrate water was beneficially used prior to October 1, 1984 even if such uses would violate the minimum flows established in Policy 32. Any remaining water above these minimum flows may be reallocated to new uses by the state providing such use satisfies existing Idaho law plus criteria the Legislature is requested by the agreement to establish as Idaho Code 42-203C. These additional criteria supplement Policy 1 of the Water Plan which urges that conformance with the State Water Plan be considered evidence of the public interest. The Idaho Water Resource Board recognizes that the specific criteria for defining public interest established by Idaho Code 42-203C are to be used in addition to the criteria set forth in Policy 1 for the reallocation of of hydropower rights.

Policy 32B - Domestic, Commercial, Municipal and Industrial (DCMI)

It is the policy of Idaho that 150 cfs of water for consumptive purposes held in trust by the state pursuant to Policy 32A be reallocated to meet future DCMI uses in accordance with state law.

While most DCMI uses are nonconsumptive or only partially consumptive, future growth in Idaho's population and commercial and industrial expansion will require an assured supply of water.

A continuous flow of 150 cfs provides approximately 108,600 acre-feet of water per year. This volume of water is assigned to consumptive uses within the basin necessary to process agricultural, forest, mineral, and other products as well as satisfy domestic, municipal, and commercial consumptive uses.

Adequate records should be kept and reviewed so that this reallocation can be modified as necessary. Increases in the DCMI allocation, if necessary, will reduce the amount of water available for agricultural uses.

Policy 32C - Agriculture

It is the policy of Idaho that appropriated water held in trust by the state pursuant to Policy 32A, less the amount of water necessary to provide for present and future DCMI uses as set forth in Policy 32B, shall be available for reallocation to meet new and supplemental irrigation requirements which conform to Idaho Code 42-203A, 203B, and 203C.

The policy allows for new and supplemental agricultural development through the reallocation of water held in trust by the state. The 1982 State Water Plan allocated water for a minimum level of new irrigation development of 850,000 acres plus supplemental water for 225,000 acres by the year 2020 over that which existed in 1975. This policy rescinds the 1982 allocations since there are no acres specified in that the type, location, and amount of use is unknown as is the effect of the evaluation called for in Policy 32A.

During the 8 year period from 1975 to 1983, about 140,000 acres of new development occurred within the basin. While the amount of new acreage varied significantly from year to year, the average was approximately 17,500 acres. Data are not available to estimate the number of acres that received supplemental water during this period. Idaho Code Section 42-203C limits the rate of new development in the basin above Murphy

gaging station to 80,000 acres in any four year period. Therefore, the maximum development to the year 2020 above Murphy gaging station assuming no water supply constraint is 700,000 acres. Criteria placed on the reallocation of hydropower rights, limits on the rate of new development, plus the requirement that approval of new storage projects that divert water between November 1 and April 1 from the Snake River between Milner Dam and Murphy gaging station must mitigate the impact of diversions on hydropower generation (Policy 32I), will undoubtedly limit development to less than 700,000 acres.

Policy 32D - Hydropower

It is the policy of Idaho that hydropower use be recognized as a beneficial use of water, and that depletion of flows below the minimum average daily flows set forth in Policy 32 is not in the public interest.

The 1982 State Water Plan allocated 170,000 acre-feet for consumptive use in cooling thermal power plants. By establishing a minimum daily flow of 3300 cfs at Murphy and 4750 cfs at Weiser, stabilized flows were guaranteed for hydropower generation. The minimum daily flows for hydropower generation are now increased as stated in Policy 32. In addition, this policy specifically recognizes hydropower generation as a beneficial use of water and acknowledges the public interest in maintaining the minimum river flow at key points. Any water depletion for thermal power generation would now come from the block of water allocated to DCMI uses.

Policy 32E - Navigation

It is the policy of Idaho that water sufficient for commercial and recreational navigation is provided by the minimum flows established for the Snake River.

Commercial navigation enroute to Lewiston via the Columbia River and Lower Snake River can be accommodated with the flows leaving Idaho in the Snake River at Lewiston. Above Lewiston, commercial and recreational navigation should be accommodated within the protected flows on the Snake River and tributary streams.

Policy 32F - Aquaculture

It is the policy of Idaho that water necessary to process aquaculture products be included as a component of DCMI as

provided in Policy 32B. The minimum flows established for the Murphy gaging station provide an adequate water supply for aquaculture, however it is recognized that it may be necessary to construct different diversion facilities than presently exist.

Aquaculture can expand when and where water supplies are available and where such uses do not conflict with other beneficial uses. It must be recognized, however, that future management and development of the Snake River Plain aquifer may reduce the present flow of springs tributary to the Snake River.

Policy 32G - Fish, Wildlife, and Recreation

It is the policy of Idaho that the minimum flows established under Policy 32 are sufficient and necessary to meet the minimum requirements for aquatic life, fish, and wildlife and to provide water for recreation in the Snake River below Milner Dam. Streamflow depletion below the minimum flows is not in the public interest.

The policy reiterates the view that the minimum flows established in Policy 32 will protect fish, wildlife, aquatic life and recreation within the Snake River Basin at acceptable levels and that this is in the public interest. State law provides for the Water Resource Board to apply for a water right for unappropriated water for minimum flows necessary "for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality." The minimum stream flow legislation, where appropriate, can be used on the Snake River and tributary streams to enhance these values. Tributary streams in the Snake River Basin which the Board has identified as key river segments needing protection are identified in Policy 7.

Policy 32H - Water Quality and Pollution Control

It is the policy of Idaho that the use of water to provide pollution dilution is not a beneficial use of water.

Existing state and federal water quality programs should be sufficient to protect the current high water quality associated with streams within the basin. Any allocation of water for minimum streamflow is directed towards meeting fish, wildlife, and recreational needs, not to the dilution of pollution.

Policy 32I - New Storage

It is the policy of Idaho that maximum use must be made of the existing storage facilities in the basin. New storage upstream from the Murphy gage should only be approved after it is determined that in so far as possible maximum use of existing storage is being made. Approval of new storage projects that would divert water from the mainstem of the Snake River between Milner and Murphy during the period November 1 to March 31 should be coupled with provisions that mitigate the impact such depletions would have on the generation of hydropower.

This policy establishes two conditions on the approval of new storage in the basin. The first condition is that there be a finding that maximum use is being made of existing storage before approval is granted to construct new storage upstream from the Murphy gage. The finding of maximum use is to be made by the Director, Department of Water Resources, and is to be based on a review of all existing storage facilities. It is not the intent to prove optimum use; rather the intent is to require a thorough review by the state of all storages, both contracted and uncontracted, in order to stimulate interest in seeking efficient water management practices. All social, legal and economic constraints are to be considered in the review process. Once the review is complete, and should there be a finding by the state that maximum use is being made of existing storage, then this condition has been met and it will not be necessary to repeat the study for new storage projects. Should the state find that existing storage is available and can readily and efficiently be used to meet needs in lieu of new storage, approval of the new storage should be denied. The policy recognizes that during most water years, releases from storage are made at the end of the irrigation season to create space for next year's runoff and to provide for flood control. The basin does not yield enough water for all competing uses during low flow years.

The second condition applies only to new storage projects that would divert water from the Snake River between the Milner and Murphy gaging stations during the November 1 to April 1 period. Assuming the first condition has been met, storage projects are then subject to the requirement that the impact such depletions have on hydropower generation is mitigated. Mitigate is defined as causing to become less harsh or hostile, and is used here rather than compensate which connotes equivalence. There are no current proposals for new storage projects that would divert Snake River water between the Milner and Murphy gaging stations. Should such a project be proposed, methodology will be developed by the Water Resource Board for use in calculating impacts on hydrogeneration.

Policy 32J - Stored Water For Management Purposes

It is the policy of Idaho that reservoir storage be acquired in the name of the Idaho Water Resource Board to provide management flexibility in assuring the minimum flows designated for the Snake River.

The Department of Water Resources is expected to allocate the unappropriated waters and the power rights held in trust by the state in such a manner as to assure minimum flows at designated key points on the Snake River. The impacts of ground-water use within the basin on the timing of aquifer discharge to the river is such that at some time stored surface water may be necessary to maintain the designated minimum flows.

At this time there is unallocated reservoir storage within the basin which could be acquired by the state. These waters would provide flexibility for management decisions and provide assurance that the established minimum flows can be maintained. The state should act to acquire sufficient reservoir storage for this purpose. In the future no unallocated stored water will be available and it may be impossible to acquire sufficient water to satisfy river demands.