



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

December 21, 1993

Reply to  
Attn Of: HW-124

Mr. Bob Muffley, Chairman  
Mid-Snake River Water Quality Commission  
124 Fifth Avenue West  
Gooding, ID 83330

Dear Mr. <sup>Bob</sup>~~Muffley~~:

The Mid-Snake/Magic Valley area of Idaho contains a complex and inter-woven mix of communities, industries, agricultural systems, and natural resources, and related management practices that is typical of many areas in the West. In recent years, there have been growing concerns about the impact of traditional practices and changes in the local economy on the environmental systems in the area. Various efforts to address these concerns through specific programs, such as the current Nutrient Management Planning Process, have begun to raise some larger questions. How can the various interests in the Magic Valley area (economic, environmental, community) work better together to foster a more integrated and holistic approach to long-term sustainable development? What are the key building blocks, and how can they be put in place, that will support this transition toward sustainability?

Over the past year, I have talked with you and many others in the Mid-Snake/Magic Valley area about the issue of sustainability, the potential for developing some new approaches to environmental protection and economic development, etc. During these discussions, I have repeatedly been impressed with the sense of a real need, and the commitment, to find a better way to address some of these complex issues. The concerns and ideas that were discussed have also strengthened my belief that a locally driven focus on sustainable development can provide the needed framework for addressing the longer-term needs and opportunities.

Attached for your review and comment is a draft proposal for some next steps in this important area. The basic premise is that an increased emphasis on the adoption of more sustainable agricultural practices is perhaps the key building block leading to sustainable development in the Mid-Snake/Magic Valley area. It is essential if local communities, economies, and environmental systems are to be maintained or improved and function in a complementary way over the long-term. The approach suggested builds on current efforts in the area and is aimed at developing a more cooperative and mutually supportive effort to increase use of sustainable agricultural practices.

As noted, this is a draft and I would very much like to get your comments and input. Is this assessment consistent with your perspective and understanding of the issue and needs in this area? Are the suggested approach and process reasonable as a next step or do they raise some red flags? Are the suggested participants and sponsors the right ones? Assuming the general direction outlined in the proposal is valid, are there things that could be done to strengthen the chance of success? These are just some of the questions for which some good feedback is needed.

Given that the proposal envisions announcing some next steps in this area in mid-February, I would appreciate receiving comments by January 14. You may want to discuss this with others. A list of those receiving this draft proposal is attached. Please mark up the draft and return it or give me a call at 206-553-1792. If you would like to Fax something my number is 206-553 -0957.

Thanks in advance for your comments and input. I look forward to hearing from you in the near future.

Sincerely,



Gary O'Neal, Director  
Environmental Sustainability

DRAFT - 12/20/93

SUSTAINABLE DEVELOPMENT PROPOSAL FOR MID-SNAKE RIVER AREA

Gary O'Neal - EPA Region 10

BACKGROUND

The economic, social, and ecological systems that make up the Mid-Snake/Magic Valley area represent a complex interplay of forces, needs, resources, and opportunities that has evolved over the last 50-75 years. The result is a vital, agriculturally based economy and related communities reliant on abundant natural resources (soil, water, etc.). Recently, however, it has become increasingly apparent that the choices made and practices adopted over this time period may not be adequate to insure the viability of the area for the next 50-75 years. There are increasing concerns and signs of problems relative to water quality and quantity issues, groundwater contamination, loss of topsoil, urban growth, economic viability of smaller communities, etc. These issues lead to a broad and fundamental question. How can the individuals and organizations and governments in the Magic Valley area best work together to insure that, 50-75 years into the future, there is still a healthy and mutually supportive economic/social/ecological system in the Magic Valley area?

In trying to answer this question, it is useful to review briefly some of the current work being done in the area, and look at some conclusions that can be drawn regarding the prospects for a broader approach to sustainability. There are a number of efforts and initiatives underway in the Mid-Snake/Magic Valley area that are excellent building blocks for a more comprehensive sustainability effort. These include:

-The current Nutrient Management Planning Process to address water quality concerns in the Snake River.

-The current project with four small communities to address cumulative environmental mandates and find a better way to manage them.

-The rapid growth and support for the MACC group of mayors and council members representing a number of small communities in the area.

-The work of the Mid-Snake Study Group which led to the formation of the ~~Mid-Snake Water Quality Commission~~ as a local advocate for water quality improvement.

-Efforts to foster adoption of value-added alternate uses for organic waste streams in the area. A workshop on this topic will be held in Twin Falls in February.

Middle Snake  
Region 10 Water  
Resource Commission

-Ongoing work to foster adoption of improved agricultural practices that reduce soil erosion and unnecessary chemical addition to the soil.

-Continuing work to strengthen and diversify the local economy through local efforts and the work of the Gem Communities Program.

-The growing role of College of Southern Idaho as a key focal point for a broad spectrum of educational efforts in the area.

-A major conference to be held in Twin Falls in early February. This conference will have as its objective initiating a dialog on creating a vision of long-term sustainable development for Idaho.

While these and other efforts may not always be fully coordinated and complementary at this point, they contain many common themes. A fundamental goal of all of these efforts, either stated or implied, is to maintain and enhance the quality and viability of communities and the quality of life in the area. What is also stated or implied in these efforts is a growing understanding that this needs to be achieved while also improving and sustaining the underlying environmental and natural resource systems upon which they are based.

There are also other facts and conclusions that provide some additional perspective on opportunities for developing a stronger focus on sustainability in the area. Some of these are:

-There currently does not exist in the Magic Valley area any sort of integrated focus and perspective with respect to long-term environmental, economic, and community sustainability.

-There are currently not any local organizations, or coalitions of organizations, that are promoting an integrated approach to sustainability in the area.

-Given the above, establishment of a truly comprehensive emphasis on sustainable development may be too broad a goal at this time.

-Agricultural processes, practices, and related industries are the foundation of the local economy and communities. They are also a key factor affecting water quality and quantity issues and land-use practices in the area.

-Many of the agriculturally based stakeholders in the area are beginning to move toward a more proactive and preventive

approach to doing business and addressing environmental concerns. Individually, many will acknowledge that more needs to be done to move toward a more sustainable agricultural ethic and practice.

-Some key players of the agricultural production cycle have to date not been actively involved in current efforts to address environmental concerns. These are:

-Financial institutions (lending priorities and practices and related incentives and/or disincentives to good stewardship practices, role of institutions in managing trust lands, etc.)

-Contract managers and field men for the food processors (ag practice requirements in contracts, advice and technical assistance in the field, etc.)

The influence of these elements may be a key barrier, or an opportunity, in efforts to adopt more sustainable agricultural practices.

-The spring of 1994 represents a "window of opportunity" for exploring additional ways to strengthen the sustainability emphasis in the area. The public discussion of the proposed Nutrient Management Plan will further heighten awareness of some of the needs and options in this area. The sustainable development conference and the waste-use alternatives workshop will also highlight publicly both general and specific sustainability dimensions and opportunities. Taken together, these efforts and others provide a foundation on which additional efforts could be built.

## CONCLUSION

Given the activities and conclusions outlined above, a better coordinated and more aggressive effort to foster sustainable agricultural practices seems to be the most appropriate next step toward long-term sustainability in the Magic Valley area. As used here, sustainable agricultural practices is defined broadly to include those practices (agricultural, technological, financial, educational, etc.) which both maintain or enhance economic return while protecting public health and maintaining or enhancing the quality of the natural support systems.

As noted above, many individuals and organizations within the area will acknowledge that enhancing agricultural practices is a key to long-term economic and environmental sustainability. What seems to be missing in the Magic Valley area is a process or forum that would allow these and other stakeholders concerned about sustainability, and specifically sustainable agriculture, to identify areas of common interest and better coordinate and

focus their efforts. Establishing such a forum and/or process must clearly be a local effort. State and federal agencies have interests which must be addressed and can help support an effort in this area but it must be locally driven.

### PROPOSAL

Based on the information discussed earlier, and the opportunities provided by current and proposed activities, following is a specific proposal for some next steps toward fostering a stronger, more sustainable agricultural economy in the Magic Valley area.

### WHAT

Organize a set of discussions (tentatively 3) among all relevant stakeholders to explore:

1. Opportunities for working more effectively together to promote adoption of sustainable agricultural practices through

-Education

-Peer pressure

-Demonstrations

-Incentives

2. The desirability of establishing some kind of ongoing process or forum to facilitate future thinking and coordination in this area.

### TIMING

As noted above, a major conference on sustainable development in Idaho will be held in Twin Falls on February 9. It is proposed that at that conference an announcement be made about two specific follow-up actions that will make more specific for the Magic Valley some of the general goals and visions discussed at the conference. These two actions would be:

1. The Alternative Waste Use Workshop scheduled to be held in Twin Falls February 17. Detailed planning for this workshop is already underway.

2. The series of three meetings to explore options for enhancing sustainable agricultural practices as outlined above. These meetings would be held in the April to June time period.

### SPONSORS

EPA is funding, through a grant to the University of Idaho, the organization and planning of the Alternate Waste Use Workshop.

Sponsors for the sustainable agriculture coordination meeting would be a cross-section of local interests. Possible sponsors include:

- Region 4 Economic Development Association
- ~~-Mid-Snake Water Quality Commission~~ *Middle Snake Regional Water Resource Commission*
- Soil Conservation Districts
- Canal Companies

The basic premise is that for this effort to have any credibility, the primary sponsors must be local. The credibility of the effort would be enhanced if there were a number of local sponsors representing several different interest groups. Federal and state agencies, state associations and other outside organizations could be supporting partners and participate as appropriate.

#### PARTICIPANTS

To make the process manageable, a core group of no more than 20-30 local representatives would be pulled together for this set of meetings. Possible participants include:

##### Local

- Some progressive farm operators
- Region 4 Economic Development Association
- ~~-Mid-Snake Water Quality Commission~~ *Middle Snake Regional Water Resource Commission*
- North Side Canal Company
- Twin Falls Canal Company
- Conservation Districts (2-3)
- Representative of dairy industry
- Representative of feedlot operators
- Twin Falls economic development group
- Local member of the Idaho Banking Association (or maybe two)
- Representatives from food processing industry (2-3) to include contracting and/or field men rep
- College of Southern Idaho
- Wood River RC&D
- Agriculture Research Station - Kimberly
- Local environmental groups
- Cooperative Extension
- County and local government officials

Other important constituency groups could probably be identified. The goal for this set of meetings would not necessarily be to be totally inclusive but to be representative of as many different local interests as

possible with a stake in a stronger sustainable agriculture effort.

Other Groups - Others who might attend as supporters, resource people, etc. and participate as appropriate could be representatives from:

- State Department of Agriculture
- State Department of Commerce
- Division of Environmental Quality
- Farm Bureau
- Idaho Rural Development Council
- Idaho Dept. of Water Resources
- Idaho Soil Conservation Commission
- Idaho Rural Council
- Soil Conservation Service
- EPA

#### GENERAL STRUCTURE AND AGENDA FOR MEETINGS

Assuming a series of three meetings, following is a proposed structure for the series. It is assumed that facilitators would be used in all three meetings so that sponsors could fully participate and the meetings could be as focused and productive as possible.

Meeting #1 - Would include some introductory comments to frame some of the issues and questions to be explored. Most of the meeting would be a facilitated discussion to get initial thoughts, reactions, ideas from the full cross-section of participants. This information would be captured in written form and distributed following the meeting.

Meeting #2 - Building on discussions from the first meeting, this session would involve on some creative brainstorming focused on each of the four possible areas for coordination and action (Education, Peer Pressure, Demonstrations, Incentives). These discussion might be done in break-out groups. The idea of this facilitated brainstorming would be to explore, with no commitments, what improvements might be made in current efforts to promote sustainable agriculture, what opportunities for coordination or new efforts are being missed, etc. The highlights of these discussions would be shared at the meeting and written summaries distributed at a later date.



Meeting #3 - The goal of this meeting would be to answer the following two questions:

1. Are there some specific coordination efforts or joint sponsorship of some initiatives that can be identified for follow-up?
2. Is there value in periodically meeting as a group to share information and assess progress, barriers, new opportunities, etc.? If the answer is yes, what are next steps?

#### **MEETING LOGISTICS AND SUPPORT**

Given that all the primary participants are local, costs for organizing and holding a set of meetings as described above should not be excessive. EPA has a modest amount of funding that might be used to help support such a process and other funding sources may be identified as needed.

December 17, 1993

Mr. Don Campbell, Executive Director  
Idaho Aquaculture Association  
P. O. Box 28  
Buhl, ID 83316

Dear Don:

I received a copy of your correspondence to Vickie Traxler discussing our comments to the aquiculture plan and I thought I'd lay to rest your concerns about the validity of the Counties Comprehensive Water Resource Management Plan.

Upon adoption of the joint powers agreement and the plan by Jerome, Lincoln and Gooding Counties, the reference to Twin Falls County was deleted. This deletion was considered a minor change by our legal counsel so no new public hearings were required. Twin Falls is still mentioned, however, in the preface and on page 7 of the plan as they did contribute to the planning effort. We were again advised by legal counsel that reference to Twin Falls can remain in this section of the plan. I have attached a copy of the agreement and plan for your reference.

Counties, by law, must do a "findings of fact" before adopting an ordinance or plan. The "findings of fact" include the comments made by the public during the hearing and the commissioner's reasons for making or not making a change to the plan.

The "findings of fact" is on file with this commission, but there is no need to attach them to the planning document. The findings were also read and approved by our legal counsel Mr. Jim Jones. The public can demand a copy of the findings, but since they are lengthy there would be a small charge to cover the cost of duplication.

Mr. Don Campbell, Executive Director  
December 17, 1993  
Page 2.

If you desire a copy of the findings, please let me know and if you have further concerns about the plan being properly adopted, you may wish to speak with Jim Jones as he led us through the entire process.

Sincerely,

Bob J. Muffley

BJM/lm

cc: Vickie Traxler, D.E.Q.



United States  
Department of  
Agriculture

Forest  
Service

Sawtooth  
National  
Forest

Twin Falls Ranger District  
2647 Kimberly Road East  
Twin Falls, Idaho 83301

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Date: December 13, 1993

Bob Muffley  
Mid-Snake Water Commission  
124 5th Ave. West  
Gooding, Idaho 83330

Dear Bob:

The Rural Development Council and the College of Southern Idaho will be hosting a conference titled Sustainable Development to be held in Twin Falls February 9 and 10, 1994 to be held at the Turf Club in Twin Falls.

We would like very much for you to participate in the conference. The topic that we would like for you to address will be Water Resources. We plan to have concurrent sessions regarding resources and community issues. The purpose is to focus on successes that move us toward sustainable environments, economies, or communities.

If you can help to make this conference a success please give me a call at 737-3262 or drop me a line with your confirmation at Sawtooth National Forest, Attn: Julie Thomas, 2647 Kimberly Road East, Twin Falls, Idaho 83301.

Hope to see you there!

Julie Thomas  
Rural Revitalization Through Forestry Coordinator

cc: Dick Gardner



**JIM JONES & ASSOCIATES**  
Attorneys at Law  
960 Broadway, Suite 310  
Boise, Idaho 83706

**Jim Jones**

**John McCreedy**

Boise: (208) 385-9200  
Twin Falls: (208) 734-3345

Fax: (208) 385-9599

**Fax Transmittal Cover**

Fax Number: \_\_\_\_\_

To: Bob Muffley

From: JIM JONES

Comment: \_\_\_\_\_  
\_\_\_\_\_

Total Number of Pages (Including This Page): 2

Date: 12/13/93

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**JIM JONES & ASSOCIATES**  
**Attorneys at Law**  
**960 Broadway, Suite 310**  
**Boise, Idaho 83706**

**Jim Jones**

**John McCreedy**

Boise: (208) 385-9200  
Twin Falls: (208) 734-3345

Fax: (208) 385-9599

December 13, 1993

Via Fax: 934-5648

Bob Muffley

Dear Bob:

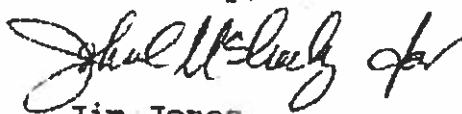
I have looked at the papers you sent me and it looks as if the Feds may not have done a proper job of evaluating the environmental impact of the program to augment fish flows. Reference is made to other related environmental studies, but it doesn't appear that any specific environmental study was done with regard to this program. Instead, the Bureau of Reclamation simply issued a categorical exclusion for the program. A person might be able to challenge the categorical exclusion in Federal District Court under the National Environmental Policy Act. It certainly appears to be an arguable case.

It would be a fairly expensive proposition. To take this to Federal District Court, you're probably looking at somewhere between \$25,000 and \$50,000. In addition to that, there would probably be a need for expert witnesses, which could run somewhere between \$10,000 and \$20,000.

If you wish to pursue it, we would be happy to provide legal services.

With best wishes, I am,

Sincerely,



Jim Jones

JTJ/tg

November 9, 1993

Win Henslee  
Gooding County Commissioner  
3168 South 1500 East  
Wendell, Idaho 83355

*28 others on attached list*

Dear Win,

The Middle Snake Regional Water Resource Commission and its Executive Committee invite you to a legislative brunch at **10:00 AM** on **December 2, 1993** at the Wood River Inn in Gooding. The cost of the brunch will be about \$5.25 per person and because we need a head count, we ask that you RSVP prior to November 27th.

We are all well aware of the multitude of water issues facing the people of our three county region and the purpose of this brunch is to advise our area legislators as to our concerns. The meeting should be beneficial to everyone who attends, so we hope to see you there.

Sincerely,

Mary Wofford  
Executive Director

November 5, 1993

The Honorable Steve Antone  
Idaho State Representative  
1141 Link  
Rupert, Idaho 83350

*& 12 others on attached list.*

Dear Representative Antone,

The Middle Snake Regional Water Resource Commission and its Executive Committee made up of County Commissioners from Jerome, Lincoln and Gooding Counties would like to invite you to a Brunch on December 2, 1993. The Brunch will be held at 10:00 AM at the Wood River Inn in Gooding. The address is 530 Main Street and your meal cost has been taken care of.

We are all well aware of the water issues facing the people of the Middle Snake, and the purpose of this brunch is to advise you as to the concerns of our three counties. Issues we plan to discuss with you are:

The nutrient management planning efforts of the D.E.Q.,  
The conjunctive management planning being done by the IDWR,  
The Middle Snake River plan of the IDWR, and  
Fending off unwanted actions by various Federal Agencies.

Please RSVP prior to November 27th by calling me at 536-2270 or Bob Muffley at 934-4781 during the day or 536-2358 in the evening.

Thank you for your past support and we hope to see you there.

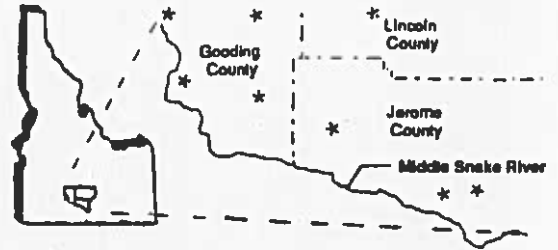
Sincerely,

Mary Wofford  
Executive Director



# MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Mary Wofford, Executive Director  
208-536-2270  
P.O. Box 267  
Wendell, Idaho 83355



Chairman  
Bob Muffley  
Vice Chairman  
Fred Brossy  
Committee

November 5, 1993

Dan Suhr           The Honorable Denton Darrington  
Rick Thompson   Idaho State Senator  
Roy Prescott      Route 1  
                    Declo, Idaho 83323

Dear Senator Darrington,

The Middle Snake Regional Water Resource Commission and its Executive Committee made up of County Commissioners from Jerome, Lincoln and Gooding Counties would like to invite you to a Brunch on December 2, 1993. The Brunch will be held at 10:00 AM at the Wood River Inn in Gooding. The address in 530 Main Street and your meal cost has been taken care of.

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The Middle Snake River plan of the IDWR, and  
Fending off unwanted actions by various Federal Agencies.

Please RSVP prior to November 27th by calling me at 536-2270 or Bob Muffley at 934-4781 during the day or 536-2358 in the evening.

Thank you for your past support and we hope to see you there.

Sincerely,

*Mary Wofford*  
Mary Wofford  
Executive Director

*Thank you for the invitation! I cannot attend on that date, a daytime meeting takes me away from a full days school and I have other leg. responsibilities that day.*

Formed by a joint powers agreement between Gooding, Jerome, and Lincoln Counties, Idaho

*Denton Darrington*

November 5, 1993

① CARTER WILSON

② LARRY PENNINGTON

③ Wendy L. Wilson, Executive Director  
Idaho Rivers United  
P.O. Box 633  
Boise, Idaho 83701

Dear Ms. Wilson,

The Middle Snake Regional Water Resource Commission is in the process of writing a water quantity portion of our regional comprehensive water resource plan and would like input from your organization. The water quantity plan will encompass all above ground and under ground water resources in Jerome, Lincoln and Gooding Counties with emphasis on conjunctive management of the resource. We would also like to hear any comments you may have concerning the nutrient management planning effort of the D.E.Q.

The Commission meets in the basement conference room of the Jerome County Court House at 1:30 P.M. on the 17th of November. Attached is an agenda. Please let us know, at your earliest convenience, if you or another representative of your organization can attend. We need to know what your group would like to see included in a water quantity plan.

Sincerely,

Mary Wofford  
Executive Director



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

---

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

November 5, 1993

Middle Snake Regional Water Resource Commission  
P.O. Box 267  
Wendell, ID 83355

Dear Sirs:

The Department of Water Resources will endeavor to inform you of actions which might affect the water resources of Gooding, Jerome, and Lincoln counties.

I will serve as the Department's principal contact, although Ruth Shellbach will usually be my designated alternate. Terry Blau of our Twin Falls office will be the Department's local contact.

Sincerely,

Frank B. Sherman  
Chief, Water Planning Bureau

FBS:cjk



IN REPLY  
REFER TO:

PN-715

# United States Department of the Interior

## BUREAU OF RECLAMATION

Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234



NOV 4 1993

Mr. Bob Muffley  
Chairman, Middle Snake  
Water Resource Commission  
PO Box 267  
Wendell Idaho 83355

Subject: Reclamation's Cooperation with Middle Snake Water Commission (Water Management)

Dear Mr. Muffley:

Thank you for your letter of October 5, 1993, informing us of the Middle Snake Water Resource Commission (Commission) and its mission. In response to your suggestion for a contact person in our agency, I have asked Rich Rigby of our staff (378-5092) to serve as that contact for the present time.

Our agency undertakes a number of activities of potential interest to the Commission. These include operation of our Snake River water projects to meet multipurpose water needs in the Snake River area. We understand concerns described in the Coordinated Water Resource Management Plan that you provided, and look forward to talking further with the Commission concerning these issues.

Sincerely,

Regional Planning Supervisor



**IDAHO FISH & GAME**

600 South Walnut / Box 25  
Boise, Idaho 83707-0025

**Cecil D. Andrus / Governor**  
**Jerry M. Conley / Director**

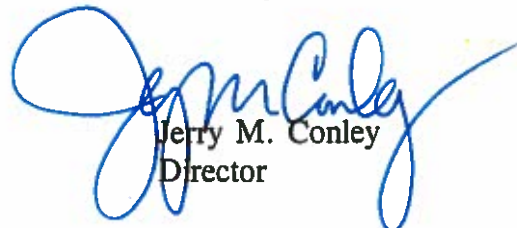
October 29, 1993

Mr. Bob Muffley, Chairman  
Middle Snake Regional Water Resource Commission  
P.O. Box 267  
Wendell, ID 83355

Dear Mr. Muffley:

Thank you for your letter of introduction. You should work through Mr. Carl Nellis, Magic Valley Regional Supervisor in Jerome. You can contact Carl at (208)324-4498 or by writing him at 868 East Main, P.O. Box 868, Jerome, ID 83338-0428.

Sincerely,



Jerry M. Conley  
Director

JMC:WR:alb

cc: Magic Valley Regional Office



IDAHO DEPARTMENT  
OF HEALTH AND WELFARE

DIVISION OF  
ENVIRONMENTAL QUALITY

601 Pole Line Road, Suite 2, Twin Falls, ID 83301-3035, (208) 736 2190

Cecil D. Andrus, Governor

October 29, 1993

Mr. Bob Muffley, Chairman  
Middle Snake Regional Water Resource Commission  
P.O. Box 267  
Wendell, Idaho 83325

Dear Mr. Muffley:

Thank you for your letter of October 5, 1993. The Division of Environmental Quality looks forward to working with the newly formed Middle Snake Regional Water Resource Commission. As the Middle Snake River Study Group your coalition was instrumental in assisting the general public, legislators, and government agencies in the development of a community based approach to water quality issues in the Magic Valley. DEQ realizes the importance of approaching water quality issues on a regional basis, and we feel that a multi-county commission is an appropriate step toward achieving local responsibility for our waters.

To assist you in achieving your goals DEQ recommends Darren Brandt and Vickie Traxler as local liaisons between the Middle Snake Regional Water Resource Commission and DEQ. Darren and Vickie are working on the Mid-Snake Nutrient Management Plan and are familiar with the water quality issues facing the Magic Valley. If we can be of further assistance please feel free to contact us. Darren and Vickie can be contacted at the Twin Falls DEQ office.

We look forward to working with you and Middle Snake Regional Water Resource Commission.

Sincerely,

Bill Allred  
Hazardous Waste Supervisor/Acting Regional Administrator

BA/my

cc: Joe Nagel, IDEQ  
R. Tim Litke, DEQ-SCIRO



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Boise Field Station  
4696 Overland Road, Room 576  
Boise, Idaho 83705

October 21, 1993

Bob Muffley, Chairman  
Middle Snake Regional Water Resource Commission  
P.O. Box 267  
Wendell, Idaho 83355

Subject: Formation of Middle Snake Regional Water Resource Commission  
(1928.0000)

Dear Mr. Muffley:

The U.S. Fish and Wildlife Service (Service) received the information you sent about the Regional Commission. As you are probably aware, in January 1993 the Service listed five species of snails found in the "middle" Snake River under the federal Endangered Species Act (Act). A copy of the federal register notice announcing that action is enclosed.

The Service is working on a draft recovery plan for the Snake River, which will be released for public review sometime late this fall or early winter. We will be sure the Commission receives a copy, as we are interested in any comments you may wish to provide on the draft recovery plan.

Please keep me informed of any meetings you schedule regarding your activities on the Middle Snake River; I will try to have one of my staff attend. We look forward to working with the Commission to address water resource issues in the middle Snake River area.

Sincerely,

Charles H. Lobdell  
State Supervisor  
Idaho State Office-Ecological Services

Enclosure

*Dale Hall*





United States  
Department of  
Agriculture

Soil  
Conservation  
Service

3244 Elder Street  
Room 124  
Boise, ID 83705

October 19, 1993

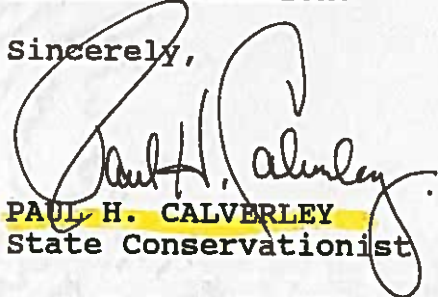
Bob Muffley, Chairman  
Middle Snake Regional Water  
Resource Commission  
P.O. Box 267  
Wendell, ID 83355

Dear Mr. Muffley:

Thank you for your letter of October 5, 1993 officially notifying SCS of the creation of the Commission. While I was aware that the Commission had been created, the material you supplied along with your letter was very helpful in understanding the main goals and objectives of the Commission.

I also appreciate your invitation to appoint a liaison to work with the Commission. Recognizing the importance of the Mid Snake region and the resources at risk, I welcome the opportunity to continue building upon our working relationship with members of your group. Therefore, I would like to appoint **Lew Pence** to serve as our liaison. I believe Lew's relationship with the Study Group and his understanding of the region make him our natural selection.

Sincerely,



**PAUL H. CALVERLEY**  
State Conservationist

cc: Rodney M. Alt, Deputy State Conservationist, SCS,  
3244 Elder St., Boise, ID 83705  
Dave DeTullio, Assistant State Conservationist (WQ), SCS,  
3244 Elder St., Boise, ID 83705  
Thomas W. Christensen, Assistant State Conservationist  
(P&RD), 3244 Elder St., Boise, ID 83705



The Soil Conservation Service  
is an agency of the  
Department of Agriculture

AN EQUAL OPPORTUNITY EMPLOYER



STANLEY F. HAMILTON - DIRECTOR

BOARD OF LAND  
COMMISSIONERCECIL D. ANDRUS  
GovernorPETE T. CENARRUS  
Secretary of StateLARRY ECHOHAWI  
Attorney GeneralJ.D. WILLIAMS  
State AuditorJERRY L. EVANS  
Sup't. of Public  
Instruction

October 14, 1993

Bob Muffley, Chairman  
Middle Snake Regional Water  
Resource Commission  
P.O. Box 267  
Wendell, ID 83355

Dear Mr. Muffley:

This is to acknowledge receipt of your letter of October 5, 1993.

The person who will be your local contact from our department  
will be:

Howard Kestie, Area Supervisor  
South Central Idaho Area Office  
Idaho Department of Lands  
329 Washington Street  
P.O. Box 149  
Gooding, Idaho 83330  
Telephone: 934-5606  
Fax: 934-5362

I will forward a copy of your letter to Mr. Kestie.

Sincerely,



STANLEY F. HAMILTON  
Director

cc: Howard Kestie



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

OCT 6 1993

REPLY TO  
ATTN OF: WD-131

Mr. Bob Muffley  
Chairman, Middle Snake Regional  
Water Resource Commission  
P.O. Box 267  
Wendell, Idaho 83355

Dear Mr. *Bob* Muffley:

Thank you for your letter of September 15, 1993, concerning the formation of the Middle Snake Regional Water Resource Commission. I have been very impressed by your efforts and those of many other local residents to protect and enhance the water resources of the beautiful Middle Snake River watershed. I wish that all Pacific Northwest communities had such strong effective leadership.

We look forward to your assistance in bringing all parties together around mutually compatible goals. To help in your efforts, I have asked John Olson of our Idaho Operations Office in Boise to serve as the EPA liaison with the Commission. John is EPA's Watershed Coordinator for the Middle Snake River watershed. In this role, he is responsible for coordinating our efforts with other groups. His address and telephone number are:

U. S. Environmental Protection Agency  
Idaho Operations Office  
422 West Washington Street  
Boise, Idaho 83702

(208) 334-9488

We appreciate this opportunity to work with you and the Commission.

Sincerely,

Gerald A. Emison  
Acting Regional Administrator

cc: Joe Nagel, IDEQ

October 5, 1993

Dana Sturgeon  
Lincoln County Clerk  
P O Drawer A  
Shoshone, Idaho 83352

Dear Dana,

The Middle Snake Regional Water Resource Commission is working on a document outlining the customs and culture of the people in our three county area. To facilitate this effort, I am requesting that you send me a copy of the Comprehensive Plan for Lincoln County, and any other information you have that would be helpful.

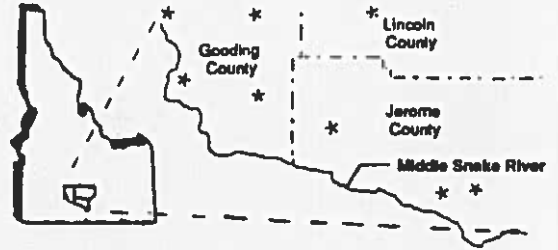
Thank you for your cooperation with this effort.

Sincerely,

Mary Wofford  
Executive Director

# MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Mary Wofford, Executive Director  
208-536-2270  
P.O. Box 267  
Wendell, Idaho 83355



Chairman  
Bob Muffley  
Vice Chairman  
Fred Brossy  
Committee  
Dan Suhr  
Rick Thompson  
Roy Prescott

October 5, 1993

Cheryl Watts  
Jerome County Clerk  
300 North Lincoln, Room 301  
Jerome, Idaho 83338

Dear Cheryl,

The Middle Snake Regional Water Resource Commission is working on a document outlining the customs and culture of the people in our three county area. To facilitate this effort, I am requesting that you send me a copy of the Comprehensive Plan for <sup>Jerome</sup> Lincoln County, and any other information you have that would be helpful.

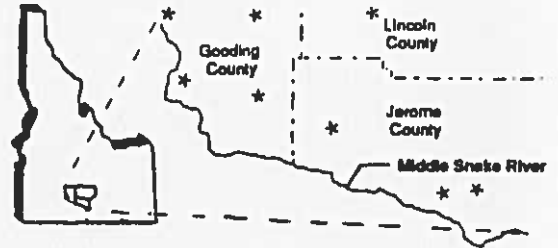
Thank you for your cooperation with this effort.

Sincerely,

Mary Wofford  
Executive Director

# MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Mary Wofford, Executive Director  
208-536-2270  
P.O. Box 267  
Wendell, Idaho 83355



Chairman  
Bob Muffley  
Vice Chairman  
Fred Brossy  
Committee  
Dan Suhr  
Rick Thompson  
Roy Prescott

October 5, 1993

John A. Myers  
Gooding County Clerk  
Box 417  
Gooding, Idaho 83330

Dear John,

The Middle Snake Regional Water Resource Commission is working on a document outlining the customs and culture of the people in our three county area. To facilitate this effort, I am requesting that you send me a copy of the Comprehensive Plan for <sup>GOODING</sup> Lincoln County, and any other information you have that would be helpful.

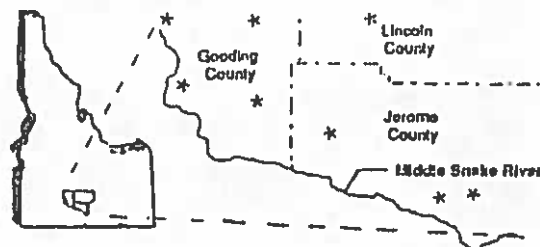
Thank you for your cooperation with this effort.

Sincerely,

Mary Wofford  
Executive Director

# MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Mary Wofford, Executive Director  
208-536-2270  
P.O. Box 267  
Wendell, Idaho 83355



Chairman  
Bob Muffley  
Vice Chairman  
Fred Brossy  
Committee  
Dan Sulr  
Rick Thompson  
Roy Prescott

September 24, 1993

Ms. Vickie Traxler  
Senior Water Quality Analyst  
Division of Environmental Quality  
601 Pole Line Road  
Twin Falls, ID 83301-3035

Dear Vickie:

After reading the proposed nutrient management plan for confined animal feeding operations, the Commission must say to itself, so what. There is nothing new or visionary in the plan and it still depends on an educational program that would, for the most part, preach to the choir. The good operators will continue to learn and the others will refuse educational opportunities and continue business as usual. We especially find it interesting that the plan states a preference for federal, state and local regulation as apposed to some kind of self-regulating mechanism. It's probably because of this fact that the E.P.A. is initiating new and tougher permit requirements for the industry.

Recommendations from the Commission:

1. Abstract, paragraph 4:

The word "may" in the first line of the paragraph should be deleted and the word "can" inserted. The word "may" can give the reader a false belief that the likelihood of pollution through land applications of animal waste is remote. The word "can" leaves a, somewhat, different connotation. The reader better understands that pollution from land application is probable unless closely monitored. Grammatically we believe the word should still be changed to "can" as improper land application of animal waste enables pollution to occur.

Ms. Vickie Traxler  
September 24, 1993  
page 2.

2. Local Agencies

The following should be added:

Middle Snake Regional Water Resources Commission: Jerome, Lincoln and Gooding Counties formed this regional commission on April 12, 1993 to coordinate efforts of federal, state and local agencies of government with regard to water quality and quantity issues in the three county area. Other duties of the commission include to advise the county commissioners on all issues impacting water in the three counties, recommending land use changes to county planning and zoning commissions, education of the public concerning water resources and to assist the local government entities in the enforcement of laws pertaining to water resources.

3. Animal Waste Management Concerns paragraph 3

The word "may" should be changed to "can" for the reasons set forth in item 1.

4. Objectives of Animal Waste Management, objective 2

The word "preferably" in line one should be deleted. If land application is the best method of managing solid and liquid waste then it is not just preferably, it is the way it should be done.

We recommend that the following objectives be added to this section:

5. Encourage the development and implementation of new technologies with regard to the management of solid and liquid waste.

6. Encourage producers to reduce the amount of water used to wash animals, holding pens and parlors.

7. Encourage recycling of water used particularly for flushing in holding pens and feed areas.

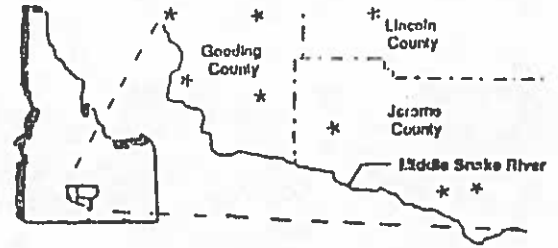
Sincerely,

Bob J. Muffley

BJM/lm

# MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Mary Wofford, Executive Director  
208-536-2270  
P.O. Box 267  
Wendell, Idaho 83355



September 22, 1993

Chairman  
Bob Muffley  
Vice Chairman  
Fred Brossy  
Committee  
Dan Suhr  
Rick Thompson  
Roy Prescott

Lt. Colonel Jim Weller  
Army Corp of Engineers  
Walla Walla District Office  
City-County Airport  
Walla Walla, WA 99362

RE: Auger Falls Hydro Project

Dear Colonel Weller:

This Commission was formed by the counties of Jerome, Lincoln and Gooding in South Central Idaho to implement the goals and objectives of the counties coordinated water resource management plan. Our research when developing the plan clearly indicated that the section of the Snake River known as the Middle Snake is in serious trouble. We have, in essence, worked that stretch of river nearly to death. We also found that there was no way to measure the affect of adding yet more uses to the river. We assumed, however, and I believe rightly so, that any new use would negatively impact water quality on a section of river already in crises. The counties applied a great deal of pressure on the E.P.A. to speed up efforts to create a modeling tool for the river. They did, and it should be complete early next year, but not soon enough for this development.

The counties comprehensive water resource management plan doesn't shut the door on hydro development on the Middle Snake, but it does indicate that there should be no further hydro development in the river corridor until its water is no longer listed as water quality limited by the State Division of Environmental Quality and the E.P.A.

The Commission, in compliance with our comprehensive plan, oppose the proposed hydro development at Auger Falls and ask that you refuse their request for a permit. The counties are trying desperately to save our river and we need your cooperation.

You will receive a copy of our local water resource management plan and the joint powers agreement forming this commission in a few days.

Sincerely,

Bob J. Muffley, Chairman

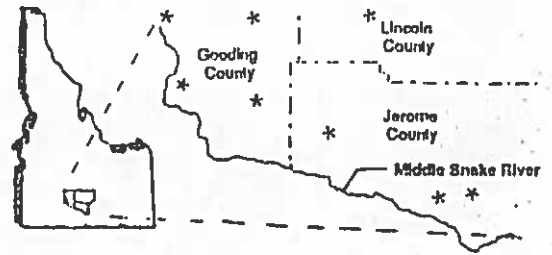
*Formed by a joint powers agreement between Gooding, Jerome, and Lincoln Counties, Idaho*

BJM/lm



# MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Temporary Address:  
Office of the County Clerk, Gooding County Courthouse  
624 Main St., Gooding, Idaho 83330



September 16, 1993

Ms. Vickie Traxler  
Senior Water Quality Analyst  
Division of Environmental Quality  
601 Pole Line Road, Suite #2  
Twin Falls, Idaho 83301-3035

Dear Vickie,

The Commission has reviewed the nutrient management plan for agriculture which was submitted by the Twin Falls and North Side Canal Companies. The plan has a great deal of background material that serves very little purpose in the plan, but after filtering through it we find the problems and solutions have been identified. The Commission would prefer that much of the background material be eliminated and the plan of action more specifically spelled out. It needs to be in a format that is easy for the public to both read and understand.

This plan, however, has the same fault as the others we have reviewed. It relies entirely on education. Education is needed, but enforcement is necessary. What motivates a farmer to utilize best management practices if his neighbor is not? Canal companies have the ability to not deliver water in the event of flooding. Perhaps it should be the same for pollution. Voluntary BMP's are simply not enough. If we want an 80 to 90% compliance, there must be an enforcement mechanism. Frankly this commission is getting tired of the various industries saying that they don't want to police themselves. This is a cop-out. Other industries and professions have done it for years and have done so very effectively. It escapes us as to why any industry would rather be regulated by State or worse, Federal agencies who have little understanding or concern for the individuals who make up an industry. Who knows more about agriculture and what is and is not possible than a farmer. Farmers, by refusing to regulate themselves, are inviting regulation by federal agencies. We don't believe that Federal intervention is in the best interest of the counties and would probably do little to help water quality. An example of an industry shooting themselves in the foot is the dairy industry which has fought environmental regulation for years and avoided any form of self regulation. They are now looking at very strict E.P.A. regulations which will be equally costly to both good operators and bad.

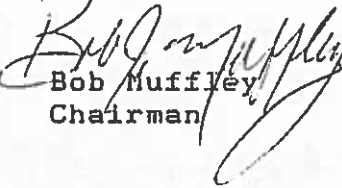
Water users in the Middle Snake must wake up and understand that the cat is out of the bag. If we don't develop ways to police ourselves on the local level, there are plenty of federal bureaucrats who would like to make a name for themselves and do it for us at a much greater cost.

*Formed by a joint powers agreement between Gooding, Jerome, and Lincoln Counties, Idaho*

Mr. Vickie Traxler  
September 16, 1993  
page 2

In conclusion, agriculture has done an excellent job of recognizing the problems and has good ideas for solving those problems. The only ingredient that is missing is local enforcement. Proper enforcement of the solutions specified in the plan should, in time, greatly reduce the amount of sediments and chemicals entering our agricultural return flows.

Sincerely,

  
Bob Muffley  
Chairman



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

September 12, 1993

Mary Wofford  
Middle Snake Regional Water Resource Commission  
624 Main St  
Gooding, ID 83330

Dear Ms Wofford:

Per your request to this office, enclosed are ten (10) copies of the Water Appropriation Rules and Regulations of the Department of Water Resources.

The Department wants you to be aware that as of July 1, 1993, the new Administrative Procedures Act required that all agencies renumber their department rules. The text of the rules, however, has not been changed.

Because of the renumbering, the copies that are being supplied to you are unofficial copies. Should you wish to obtain official copies of the newly numbered rules, it will be necessary for you to submit a written request to Korey Lowder, Administrative Rules Coordinator, 700 W State Street, 5th Floor, Boise, ID 83720.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

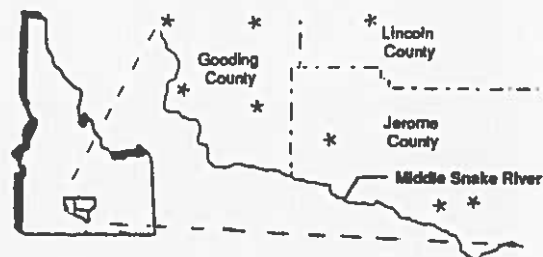
Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures

# MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Temporary Address:  
Office of the County Clerk, Gooding County Courthouse  
624 Main St., Gooding, Idaho 83330



97-93

State of Idaho  
Department of Water Resources  
Statehouse Mail  
Boise, Idaho 83720

Dear Sir:

I am requesting an additional ten (10) copies of the  
"Rules and Regulations, Water Appropriation"  
booklet dated October 1986, for distribution to our commission  
members.

Please send them to:  
Mary Wofford, Executive Director  
Middle Snake Regional Water Resource Commission  
P O Box 267  
Wendell, Idaho 83355

Thank you for your attention to this request.

Sincerely,

Mary Wofford  
Executive Director

SEP 7 1993



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

September 2, 1993

Reply To  
Attn Of: HW-124

MEMORANDUM

SUBJECT: Sustainable Development - Next Steps

FROM: Gary O'Neal, Director *Gary*  
Environmental Sustainability

TO: Lew Pence, Project Coordinator  
Wood River Conservation and Dev. Area

As promised, I am writing to provide some additional thoughts on how we might proceed with organizing a sustainable development initiative. Before doing so, however, I want to thank you for helping organize the meetings with the Water Quality Commission and the MACC co-chairs during my recent trip. Both groups are essential partners in any effort that may evolve and it was very helpful to meet and talk with them. It is also clear that you are a key link for many of the things going on in the area. I don't know how you manage to keep up with all of them but clearly you do.

It was my sense from the meeting in Jerome that the Water Quality Commission, or at least some of the members, are interested in that group being a catalyst/champion for a sustainability effort. The question becomes how best to proceed and what the near-term goals of such an effort might be. It seems to me that the key step is to engage a broad cross-section of interests in an on-going dialog about long-term sustainability. What does it mean to different people, what are the important parameters of sustainability with respect to the Magic Valley, what kinds of processes and projects would be most helpful in fostering a transition toward sustainability, etc.? There needs to be some common understanding and language developed around issues and questions like these. This will take time and there needs to be an ongoing forum or process that promotes this dialog.

The Water Quality Commission could take the lead in organizing such a dialog. I think a couple of other groups with different but complementary interests should be brought in as major sponsors at an early stage. One of these should probably be an economic development organization or group. The Region IV Economic Development Association might be a possibility. Another

co-sponsor might be the MACC group. Based on my discussions so far, there are a number of other groups that should be involved in this sustainability dialog. Attached is a list with some additional suggestions.

Getting started this fall on building support for a collaborative effort is important for a couple of reasons. As Dick Gardner indicated at the meeting, there will be a significant sustainable development conference held in the area around the end of January. The goal will be to start a dialog on what sustainability might mean for Idaho. If the local group has already started a collaborative discussion of some of these issues, they will be well-prepared to play a key role in the conference.

Another advantage would be in developing some initial thoughts on strategies and next steps. It seems to me that the January conference provides an ideal launching pad for a more public and locally focussed emphasis on sustainability. If the local group that the Commission might get started could develop some initial thinking on projects, processes, etc. they would be positioned to announce/launch a local effort on the heels of the conference. It wouldn't have to be a finely tuned strategy but more a public commitment to engage the issue on several fronts and some next steps. One possibility could be to start an effort to develop a longer term vision of what needs to be sustained to meet the needs and values of the people in the area. An announcement at or following the conference would be a good opportunity to seek even broader support and involvement.

In addition to building the framework for a lasting sustainable development emphasis, there are some more specific projects which the Commission could initiate. As I mentioned at the meeting, one would be to sign on as a co-sponsor for the workshop on alternative waste management practices. This will be held shortly after the conference described above. The primary role here would be one of promoting participation at the conference both publicly and through the network of contacts which Commission members have. It is my sense that the broader base of sponsorship and support we have the better chance of success.

I believe another area where the Commission could play a leadership role is in promoting an increased focus on sustainable agriculture in its many forms. Many of the techniques and technologies are already known. Could the Commission bring together local organizations and experts to discuss how to move sustainable agriculture from concept to reality in the Mid-Snake area? Could the Commission serve as catalyst to generate a broader array of demonstration projects and information transfer in this area? I don't think the Commission could or should do all of this but they can be a catalyst to help activate others. If a clear plan and sense of direction could be developed in this and other areas, funding opportunities will follow.

This has turned out to be longer than I anticipated but I wanted to give you my input after thinking about our meeting. I believe we have an opportunity to develop a sustainable development emphasis in the Mid-Snake region that could have a significant impact on the long-term future of the area. It could also be a model for other areas in Idaho and other western states. The Commission has both the charge and the opportunity to be a major force for making this happen. EPA Region 10 will continue to work with the Commission and other interests to help enable progress toward this goal. If you or Commission members have questions or would like to discuss any of these ideas in more detail, please call. Thanks again for arranging the opportunity to meet with the Commission.

cc: Tim Litke, IDEQ  
Lynn McKee, EPA -Boise



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

September 1, 1993

Bob J. Muffley  
Middle Snake Regional Water Resource Commission  
Office of the County Clerk  
Gooding County Courthouse  
624 Main St.  
Gooding, ID 83330

Dear Mr. Muffley:

I have received your letter of August 11, 1993 and feel a response is in order. Since water is such a critical resource to Idaho's farming industry I have forwarded a copy of your letter and my response to the Idaho Water Users Association. I think it is important that you be given the opportunity to hear the views and opinions of water users from a broader area than Gooding County.

I don't know Mr. Brossy's background or his familiarity with Department procedures for evaluating and recommending claims. If Mr. Brossy has reviewed the claim files for the water rights in the Hagerman Valley then I am sure he knows the water right recommendations are based upon a number of factors including field conditions and method of irrigation. The limiting factor on some water rights is the amount of water reasonably required for irrigation of crops with the field and soil conditions found at the place of use. In other cases the water right might be limited by other factors, such as the maximum amount of water originally filed for or claimed by the water user. I would be very interested in reviewing specific discrepancies which Mr. Brossy believes he has identified in the Hagerman area after all relevant factors are considered.

Idaho's water is allocated according to Article XV Section 3 of the Idaho Constitution and Title 42 of the Idaho Code. While the Department is concerned about local interests and is responsive to those interests to the extent possible, the impacts of water use extend throughout an entire drainage and the interests of all water users within the drainage must be considered, under the law, when making water allocation decisions. The issue of what should be done with conserved water is one that has no clear answer. Idaho and other Western States have been struggling with the question because the water resource of each state is finite. If a senior water user stops using some of the water used in the past, another water user will, over time, begin using that same water. If the senior user can demand to use the water



Bob J. Muffley  
September 1, 1993  
Page 2

previously "saved" the second user will be without water. Since there are no apparent time limits for what you are proposing that second user, in the case of Gooding County and the Hagerman Valley water users that have been meeting with you, could be a ground water user who has an established farm or dairy on the Snake Plain, not just "newcomers," or it could be the City of Gooding.

Allocation of a finite resource is a many faceted task that, in the case of water, has and continues to follow the prior appropriation doctrine in Idaho. The Supreme Court has repeatedly held that first in time is first in right for the amount of water necessary for the beneficial use being made of the water, and no more. This doctrine, and the Supreme Court, have long recognized that when someone is using water some other water user may be doing without. The senior water user is protected for the amount of water needed for the use being made of the water. The question then becomes, can a senior water user decide to use more water than historically needed to the detriment of another water user?

The prior appropriation doctrine protects senior water users for the amount of water they need. If the doctrine were to allow protection of unused water rights or portions of water rights that could, after many years, or generations, begin being used with their original priority, the uncertainty that would result would not only prevent future developments but would also jeopardize existing developments because a needed water supply that had been used for many years could suddenly be unavailable.

In any event, the present law does not require annual reporting of water usage. This would be a necessary first step before any kind of notification about pending forfeiture could occur. Some discussion of annual reporting requirements for water use has occurred in the past with the legislature but has not been widely supported. If you are interested in supporting some type of annual reporting legislation you should ask your local delegation to become involved.

The questions regarding conservation of our resources are questions we are all facing. There are no simple answers. The Governor has recently organized a task force on irrigation water conservation. The purpose of the task force is to identify and investigate the issues surrounding water conservation, to allow for public input, and to provide the legislature with recommendations that will allow for the greatest benefit and protection of our valuable water resources.

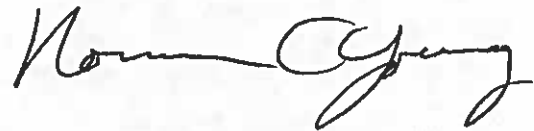
The Department has recently issued a NOTICE OF INTENT TO PROMULGATE RULES for the conjunctive management of ground and surface water in the State. While the subject is a little different than that raised by your letter I think the results will be critical to all water users and may be something your commission is interested

Bob J. Muffley  
September 1, 1993  
Page 3

in following. I have enclosed a copy of the notice and an issue paper for your information.

The recommendations in the Director's Report for Basin 36 represent our understanding of present water law. Changes in the forfeiture and beneficial use provisions would be required for IDWR to implement the suggestions in your letter.

Yours truly,



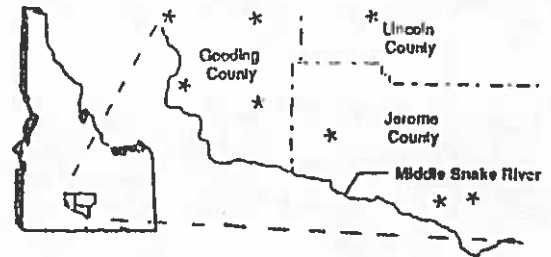
NORMAN C. YOUNG  
Administrator  
Water Management Division

Enc.

cc: IWUA w/o enc.

# MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Temporary Address:  
Office of the County Clerk, Gooding County Courthouse  
624 Main St., Gooding, Idaho 83330



July 29, 1993

Mr. John Keys, Regional Director  
Bureau of Reclamation  
1150 North Curtis Road  
Boise, ID 83706-1234

Dear Mr. Keys:

The Middle Snake Regional Water Resource Commission made up of Gooding, Jerome and Lincoln Counties in south central Idaho is concerned about the draw down of reservoir in the Upper Snake. You are aware that storage in these upper facilities is used to supplement water needed for the irrigation of crops in our three county area and a shortage of water in low water years could be economically devastating. We understand that a draw down for 1993 has or will be approved by the Committee of Nine and the Idaho Department of Water Resources. The counties don't have a problem with their decision at this time, but are very concerned about future years. We assume that an environmental impact statement (EIS) concerning the impact of the draw downs of the upper Snake storage facilities has been completed and approved. We also assume that the statement addresses the economy of south-central Idaho as well as the regions customs and culture. Please forward a copy of the EIS to the commission at your earliest convenience.

Sincerely,

Bob J. Muffley

BJM/lm

cc: Lieutenant Colonel Robert D. Volz  
Department of the Army  
Walla Walla District, Corp. of Engineers  
Walla Walla, WA 00372-0275



IN REPLY  
REFER TO:  
PN-150

# United States Department of the Interior



## BUREAU OF RECLAMATION

Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

AUG 26 1993

Mr. Bob J. Muffley  
Chairman, Middle Snake Regional  
Water Resource Commission  
Office of the County Clerk  
Gooding County Courthouse  
624 Main Street  
Gooding ID 83330

Subject: National Environmental Policy Act Compliance - Snake River Salmon  
Migration Flow Releases from Bureau of Reclamation Reservoirs in the  
Upper Snake River Basin (NEPA/Endangered Species Act)

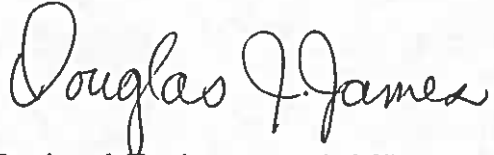
Dear Mr. Muffley:

Thank you for your letter of July 29, 1993, to Regional Director John Keys expressing the Middle Snake Regional Water Resource Commission's (Commission's) interest in and concern about the release of water stored in Bureau of Reclamation (Reclamation) reservoirs in the upper Snake River area to augment anadromous fish migration. We appreciate the Commission's support for the 1993 releases and hope that, despite the current concerns you have indicated, you will also find good reason to support the longer-term regional efforts to aid the recovery of the endangered Snake River salmon runs.

You also requested a copy of the documentation prepared by Reclamation which covers the upper Snake River reservoir releases in compliance with the National Environmental Policy Act. In response, we have enclosed a copy of the categorical exclusion checklist and supportive material prepared for that purpose.

Please let us know if we can be of further assistance in this regard.

Sincerely,

A handwritten signature in cursive script that reads "Douglas J. James".

Regional Environmental Officer

Enclosure

cc: Lieutenant Colonel James S. Weller  
U.S. Army Corps of Engineers  
Walla Walla District  
Walla Walla WA 00372-0275  
(w/encl)

## CATEGORICAL EXCLUSION CHECKLIST

Date: JUN 24 1993

**Project:** PROPOSED 1993 STORAGE RELEASES TO PROVIDE SALMON MIGRATION FLOWS -  
BOISE, PAYETTE, AND UPPER SNAKE RIVER BASINS, IDAHO

**Nature of Action:** Determination of source and magnitude of potential releases from Bureau of Reclamation (Reclamation) storage reservoirs in Idaho to help meet Lower Columbia and Lower Snake River flow targets for Endangered Species Act (ESA) listed Snake River salmon runs. The flow targets were established in the 1993 National Marine Fisheries Service (NMFS) Biological Opinion regarding coordinated Columbia River system operations.

**Exclusion Category:** Regulatory and enforcement actions, including inspections, assessments, administrative hearings, and decisions; when the regulations themselves, or the instruments of regulations (leases, permits, licenses, etc.) have previously been covered by the NEPA process or are exempt from it. (516 DM 2, Appendix 1, Departmental Categorical Exclusion 1.5)

### Evaluation of Criteria for Categorical Exclusion:

1. This action or group of actions would have a significant effect on the quality of human environment. No  Uncertain  Yes
2. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources. No  Uncertain  Yes

### Evaluation of Exceptions to Actions within Categorical Exclusion:

1. This action would have significant adverse effects on public health or safety. No  Uncertain  Yes
2. This action would affect unique geographical features as: wetlands, wild or scenic rivers, refuges, flood plains, etc. No  Uncertain  Yes
3. The action will have highly controversial environmental effects. No  Uncertain  Yes

4. The action will have highly uncertain environmental effects or involve unique or unknown environmental risk. No  Uncertain \_\_\_ Yes \_\_\_
5. This action will establish a precedent for future actions. No  Uncertain \_\_\_ Yes \_\_\_
6. This action is related to other actions with individually insignificant but cumulatively significant environmental effects. No  Uncertain \_\_\_ Yes \_\_\_
7. This action will affect properties listed or eligible for listing in the National Register of Historic Places. No  Uncertain \_\_\_ Yes \_\_\_
8. This action will affect a species listed or proposed to be listed as Endangered or Threatened. \* No  Uncertain \_\_\_ Yes \_\_\_
9. This action threatens to violate Federal, State, local or tribal law or requirements imposed for protection of the environment. No  Uncertain \_\_\_ Yes \_\_\_

NEPA Action-Categorical Exclusion  \_\_\_\_\_  
 EA \_\_\_\_\_  
 EIS \_\_\_\_\_

Explanation and/or Remarks: See attached materials

Preparer's Name and Title: Douglas J. James, Regional Environmental Officer

Concur: *Kenneth K. Pedde*  
 for Signature of Regional Director

Date: 6-24-93

Concur: *Douglas J. James*  
 Signature of Regional Environmental Officer

Date: 6-17-93

\* Effects on ESA listed species within the area covered by coordinated Columbia River operations were covered in the March 1993 Interim Columbia and Snake Rivers Flow Improvement Measures for Salmon S-EIS.

Proposed 1933 Storage Releases to Provide Salmon Migration Flows  
Boise, Payette, and Upper Snake Basins, Idaho

Additional Information

Background The ESA listing of three runs of Snake River salmon in 1991 and 1992 initiated a great number of processes directed at seeking and defining the measures necessary to bring about their recovery. Primary among these is the consultation with the NMFS required by ESA. Consultation has occurred on a number of activities and has involved numerous Federal agencies in the Pacific Northwest.

Most pertinent to the subject of this categorical exclusion document (CE) is the ESA consultation initiated by a joint (Reclamation, Corps of Engineers (Corps), Bonneville Power Administration (BPA)) biological assessment (BA) provided to NMFS on February 17, 1993. This BA covered planned operations on the coordinated Columbia River system for 1993 and included consideration of the potential for releasing water from Reclamation storage facilities in Idaho. ESA consultation with the U.S. Fish & Wildlife Service (FWS) on listed species within their jurisdiction was also initiated during this period. The biological opinions for these consultations were completed in May (NMFS) and June (FWS) 1993. Both opinions indicated that the listed species of concern would not be jeopardized by the operations proposed.

The Corps led, with Reclamation and BPA as cooperators, the preparation of a supplemental environmental impact statement (S-EIS) in compliance with the National Environmental Policy Act (NEPA) which covered the operations proposed in their BA and the impacts on ESA listed species in the coordinated operations area. The S-EIS, titled Interim Columbia and Snake Rivers Flow Improvement Measures for Salmon, was completed in March 1993.

In addition, the Northwest Power Planning Council has prepared and continues to update its Fish and Wildlife Plan for salmon recovery in the region. This umbrella document incorporates proposed salmon recovery measures which are being responded to by a major share of the Federal and State agencies in the Pacific Northwest. Reclamation has acted on a number of the measures, unilaterally and in cooperation with others. The use of storage from Reclamation facilities in Idaho is one of the measures cited in this regional plan which would assist in the enhancement of salmon migration flows.

FWS ESA Compliance - Idaho Species In addition to the consultation with NMFS and FWS noted above, ESA compliance is also necessary regarding other ESA listed species, under FWS jurisdiction, that might be affected by proposed 1993 salmon recovery measures in Idaho. The species of concern are the bald eagles at Cascade Reservoir and five species of mollusks residing in the upper Snake River drainage.

These species were not discussed specifically in the S-EIS. Even though water for flow augmentation is being sought from the Idaho storage facilities as part of the recovery effort, the Idaho rivers and storage facilities are not part of the coordinated Columbia River operation. This CE is provided as a subsidiary document to the S-EIS to provide NEPA documentation of the consideration of ESA and other localized environmental aspects related to the potential 1993 salmon recovery contribution from Reclamation storage in Idaho.



To provide the flow augmentation water during the periods that are most beneficial to the listed salmon, releases from the Idaho reservoirs should begin early in July 1993. It is anticipated that Reclamation and FWS will successfully complete all the ESA compliance actions by the end of June. However, the release of stored water for salmon flow augmentation from each of these river drainages will not occur unless and until satisfactory ESA compliance has been achieved for releases from the particular drainage to be drawn upon.

Additional Material Attached is a listing of the proposed sources and quantities of water that may be released from Reclamation's Idaho storage facilities.

**ANTICIPATED SALMON FLOW AUGMENTATION RELEASES  
FROM SNAKE BASIN RECLAMATION RESERVOIRS**

**Releases Scheduled to Backfill Brownlee  
Reservoir July Storage Discharges**

Payette Basin - Releases timed to start 2 days prior to beginning Brownlee discharges

95,000 acre-feet Cascade/Deadwood not contracted      59 day-release = 800 cfs

Boise Basin - Releases timed to start 3 days prior to beginning Brownlee discharges

20,000 acre-feet Anderson Ranch powerhead

3,000 acre-feet Anderson Ranch not contracted

23,000 acre-feet Subtotal from Boise basin      30-day release = 400 cfs

Upper Snake Basin - Releases timed to start 9 days prior to beginning Brownlee discharges with a mid-August cessation for 2-3 weeks

19,480 acre-feet Palisades not contracted

100,000 acre-feet maximum Water District No. 1 pool rental from BPA funding

80,500 acre-feet Ririe not contracted

199,980 acre-feet Subtotal from upper Snake basin 67-day release = 1,500 cfs

**Releases in the Fall/Winter to Backfill  
for IPC Brownlee Reservoir September Discharges**

Upper Snake Basin

100,000 acre-feet Palisades powerhead

20,000 acre-feet Minidoka powerhead

120,000 acre-feet Subtotal from upper Snake basin

Up to 437,980 acre-feet of total storage to be made available from Reclamation Snake basin reservoirs for salmon flow augmentation

August 19, 1993

Ms. Vickie Traxler  
Senior Water Quality Analyst  
Division of Environmental Quality  
601 Pole Line Road, Suite #2  
Twin Falls, ID 83301-3035

Dear Ms. Traxler:

The commission apologizes for taking so long to comment on the various industry nutrient management plans, but prior to the formation of the new regional commission the old members of the Middle Snake River Study Group were unable to officially speak for the counties. We will now attempt to address each plan as we did with the hydro-electric producers a few weeks ago.

The nutrient management draft plan submitted by the Idaho aquaculture association dated July of 1993 leaves much to be desired as far as the counties are concerned. A general observation, after reading the document, is that the industry is more interested in protecting themselves than fully addressing the issue of water quality. The document is defensive on the one hand and on the other extremely vague concerning the industries course of action, particularly in the long run.

Specific objections to the plan:

1. The purpose of the nutrient management plan is to show, in writing, the steps that the industry will take to reduce their portion of the nutrient load in the Middle Snake River reach. Very few pages of this document are dedicated to that end. Sections B, C and D under roman numeral I should be deleted as these sections are not relevant to the purpose of the plan. Section A should remain as it does establish some historical background and Section E should be moved to roman numeral III. The commissioners also see no relevancy for the items listed under roman numeral II and this section should be deleted.

2. Item 5 under Section E of roman numeral III should be eliminated or limited to not include the DEQ. Informational loops between the Association, fish growers and the Department of Agriculture are fine, but the DEQ, as the water quality enforcement agency, should not be involved. Typically, the longer you keep things in the loop the more opportunity there is to confuse and

Ms. Vickie Traxler  
August 19, 1993  
Page 2.

manipulate the ultimate outcome. We are not, however, suggesting that there should be no communication between the DEQ and the industry. The industry should strive to have an open channel of communication with the DEQ, but should always keep in mind that they are designated point source dischargers and that the DEQ, not the industry, will have the final word as it relates to water quality. Assuming, of course, that proper procedures are followed. The nutrient management plan, once complete, should give clear direction to both the various industries within the region and the regulator, thus, allowing plenty of opportunity to seek economically feasible solutions to our water quality concerns. We reiterate that the DEQ should not become party to a feed-back loop concept especially with respect to point source dischargers.

3. Roman numeral III is actually the beginning of the plan. The first goal for short term action is for an overall 20% reduction to nutrients and/or solids within the first year of the plan. This is commendable, but is actually a short-term objective, not a goal. The goal should be something like "improve water quality in the Middle Snake by improving the quality of return flows from aquaculture facilities". The first objective would be to improve by 20% within the first year. Next, there should be some specific strategies that clearly tell the reader how the industry will achieve that objective. Actually, number two under roman numeral III could be some of the strategies. Paragraphs A,B and C under item I of immediate actions says nothing as to how they will reduce nutrient loading by 20%.

4. Item B of roman numeral III talks about mid-term actions. This entire section should be made into a short and concise statement listing an objective, and the various specific strategies to accomplish the objective. The objective could be "promote research and development of new waste management techniques". If the plan is going to mention BMP's and/or RACT's then they should indicate what they may entail such as "develop BMP's defining acceptable settling rates relative to feed type". Item C of roman numeral III is actually nothing more than a continuation of the overall objectives to promote research and development and should be incorporated as specific strategies.

5. Roman numeral V headed "Compliance" is most interesting. The section could be a goal, but probably should be included as a new objective. Items 1,2,4 and 5 could be abbreviated to concise strategies and items a,c and d as substrategies of item 5. Item 3 of roman numeral V, while interesting, isn't a strategy and is not needed in this plan. Sub item d in item 5 of roman numeral V is simply not acceptable to the counties. The public already perceives that, in the aquaculture industry, we have the fox guarding the hen house. Few people trust self-monitoring, but it is better than no monitoring at all. The commissioners believe

Ms. Vickie Traxler  
August 19, 1993  
Page 3.

that the industry should support monitoring. What better way is there to prove that there truly are "white knights" in the industry.

The counties would like an additional items listed under compliance. We would like to see a statement of support for increasing the frequency of inspections by the DEQ. We believe that if the industry is to gain public support there must be open cooperation between the industry and the agency.

It's the opinion of the commission that the plan submitted by the aquaculture industry is full of a lot of words, but says very little. A plan must be specific to be believable. The plans which are ultimately adopted by the DEQ must be short, concise and easily understood by the general public. This draft does not accomplish that end. We urge the industry to contact Twin Falls County Agent, Bob Ohlensehlen, to ask if he would help them in the plan writing process. The Old Middle Snake River Study Group found his assistance invaluable in creating the county plan. We also urge the IAA to include Idaho Power, The Idaho Department of Fish and Game and the National Fish and Wildlife Service in the planning process. These entities also operate fish rearing facilities in the Middle Snake area. Attached are portions of the county plan referring to fish rearing facilities.

Sincerely,

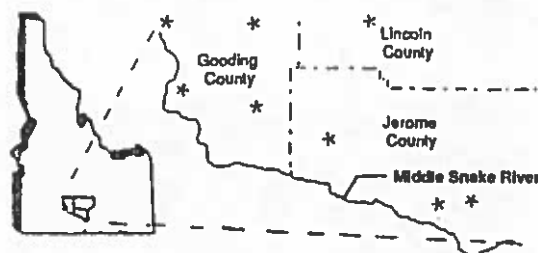
Bob J. Muffley  
Chairman

BJM/lm

## MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Temporary Address:  
Office of the County Clerk, Gooding County Courthouse  
624 Main St., Gooding, Idaho 83330

August 11, 1993



Mr. Norm Young  
Idaho Department of Water Resources  
1301 North Orchard  
State House Mail  
Boise, ID 83720

Dear Mr. Young:

The Commission thanks you for sending us a copy of the manual used by the Idaho Department of Water Resources to determine the amount of water required to irrigate various soil types in the region.

Fred Brossy, Vice Chair of our regional Commission, reviewed the document and reported to the group that it was well written and should be a pretty good guide to the department as far as it goes. He is concerned that, if the guide is being followed, why there is so much variation of allocations in the Hagerman area. He suggests that soil types in the area should be fairly consistent so adjacent parcels should have very similar water allocations. Fred also told the Commissioners that he doubted if your department has a sufficient number of trained personnel to apply the guidelines to each parcel of land under adjudication.

There was a lot of discussion by our Commission members on this issue and it was decided that the only fair way to allocate the State's water resources is by soil type, climate, crops feasibly grown in the area requiring the most water and assuming that all farmers use gravity irrigation with corrugates and open ditches. These considerations would put everyone on an equal playing field and farmers would not be penalized for water conservation. Your scenario assumes that those farmers using more efficient irrigation systems will always do so. As power costs increase, farmers may be forced to give up these devices and return to older methods of irrigation in order to lower energy costs. Your allocation method is the first we've heard of that penalizes people for conserving a resource. Is this something we really want to do in Idaho? We've made great strides in water conservation over the years and we're sure more will be developed in the future as long as there are proper incentives to do so. We further recommend that your agency work closely with specialists working in the local offices of the Soil Conservation Service.

The commission also has a problem with the fact that under the law, if water is not used for a 5 year period it's lost. We understand the law and the reason for it, but we wonder if the people holding

*Formed by a joint powers agreement between Gooding, Jerome, and Lincoln Counties, Idaho*

Mr. Norm Young  
August 11, 1993  
Page 2.

water rights in Idaho are even aware of the law. We believe a system should be devised whereby the holders of unused rights are notified at least one year prior to the end of the five year period allowing them sufficient time to use the water. Allowable beneficial uses should also be outlined in the notice along with the option to lease said rights, if applicable.

Again, we would like to thank you for attending our meeting in June and forwarding your guidelines. We hope that we will be able to further discuss this issue with your department in search of a meeting of the minds on this most important issue.

Sincerely,

Bob J. Muffley

DJM/lm

FAX to John Rosholt



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION  
Washington, D.C. 20240

JUL 19 1993

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MEMORANDUM

OPTIONAL FORM NO. 10 (7-93)

FAX TRANSMITTAL

2

To: Regional Director, Boise, Idaho  
From: Daniel P. Beard  
Commissioner  
Subject: Securing Water to Aid in Recovery of Threatened and Endangered Salmon  
(Fish and Wildlife)

To	RICHARD RIGBY	From	PRYOR/GILES
Supl Agency		Phone #	
Fax #	208-378-5066	Fax #	

NW 7540-01-217-7200 5010-101 GENERAL SERVICES ADMINISTRATION

I appreciate our recent discussions regarding recovery efforts for threatened and endangered salmon in the Pacific Northwest. Our development of a long-term strategy for Reclamation's role in this effort is hampered by lack of the recovery plan which is expected later this year. In the interim, we have cooperated with the Corps of Engineers and Bonneville Power Administration in annual consultations with the National Marine Fisheries Service (NMFS) on the coordinated plan of operation for the Federal Columbia River Power System (FCRPS).

The NMFS biological opinion for the 1993 FCRPS operation includes as a key measure the maintenance of flows in the lower Snake and Columbia Rivers to aid salmon migration. Federal facilities that are managed as part of the FCRPS coordinated operation, including Reclamation's Grand Coulee and Hungry Horse Projects, have the potential to affect the listed species. The NMFS biological opinion directs that the action agencies incorporate measures in the coordinated operation to avoid jeopardizing salmon survival targets. Reclamation is presently operating its facilities to aid in meeting flow targets. The biological assessment prepared by Reclamation, the Corps of Engineers and Bonneville, which was considered by NMFS in developing its biological opinion, recognized that Reclamation's irrigation water storage projects located upstream of the salmon migration corridor have the potential to significantly enhance streamflows to the extent water is available.

You have asked for concurrence in your plans to operate Reclamation FCRPS facilities and, as necessary, to secure storage water from Reclamation irrigation storage facilities, to help meet 1993 streamflow targets for the lower Snake and Columbia Rivers. Taking such actions this year is appropriate because the forthcoming recovery plan is expected to include flow maintenance as a measure and the salmon management plan adopted by the Northwest Power Planning Council includes flow maintenance as a strategy.

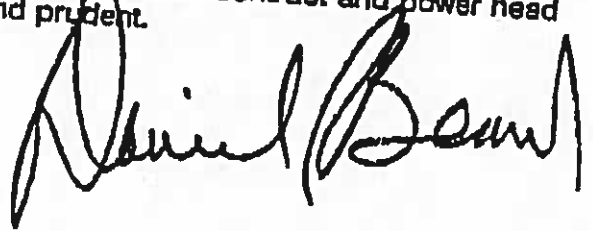


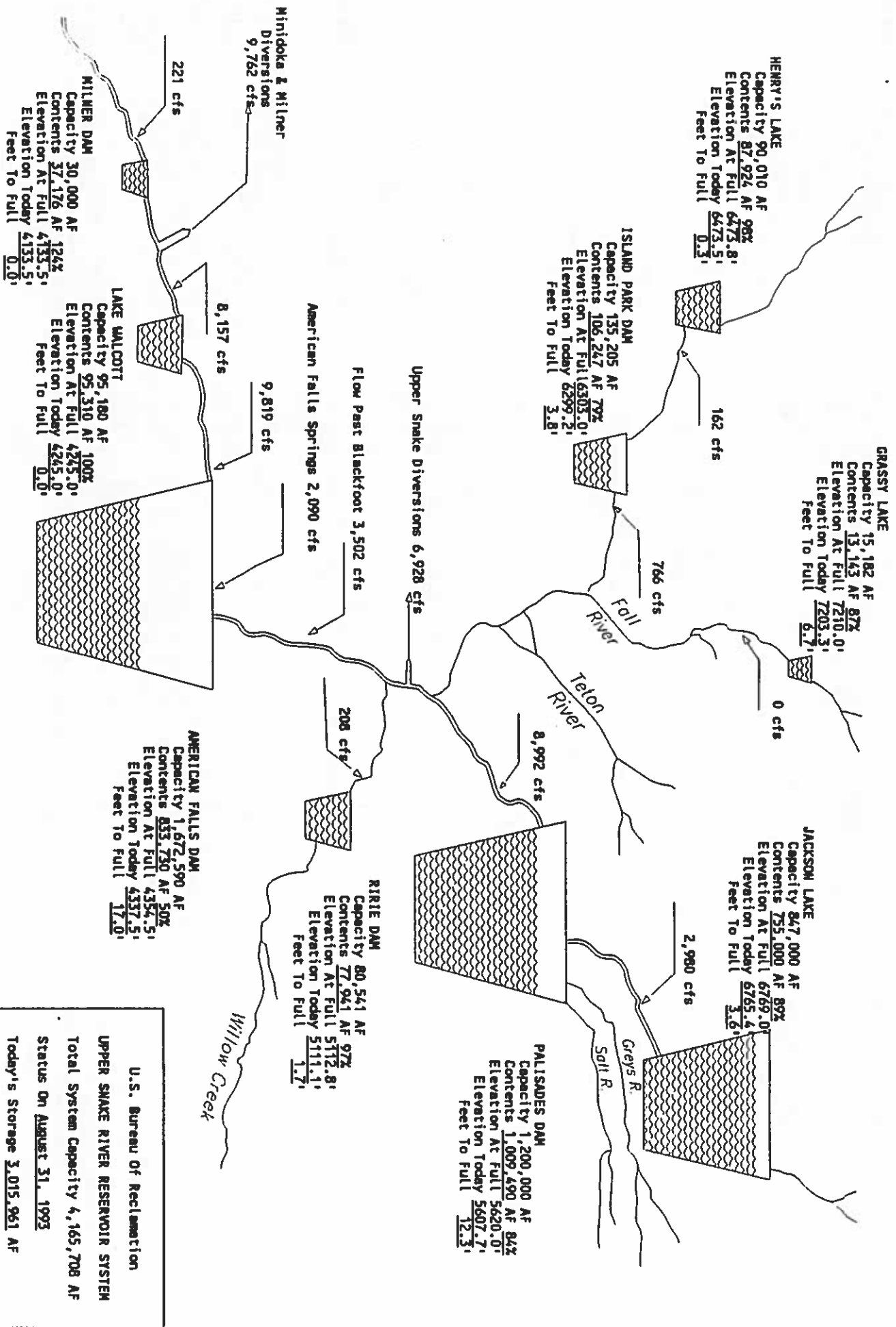
I have been in communication with the Solicitor regarding Reclamation's responsibilities under the Endangered Species Act and our authorities with respect to securing stored water for recovery purposes. We are in agreement on key points, and the following guidance is provided to you as you proceed with implementing the FCRPS operational steps set out in the biological opinion and as you consider possibilities of augmenting flows from upper Snake River basin irrigation storage projects.

Under the Endangered Species Act, Reclamation has a mandatory duty to insure that it is not authorizing, funding, or carrying out any action that is likely to jeopardize the continued existence of any listed species, including the endangered and threatened populations of Snake River salmon.

Further, I expect Reclamation to take all reasonable and prudent actions within the full range of our discretionary authorities to assist in maintaining streamflows identified by the NMFS in its recovery program. There are four options available and legally authorized for your consideration in securing storage water for flow augmentation from upper Snake River basin reservoirs. These options are: (1) releasing water stored but not under contract; (2) releasing water covered by existing spaceholder contracts; (3) participating in rental water banks to acquire water; and (4) buying back already committed space in the reservoirs.

Each of the above four options has associated legal implications and as you proceed, I want to discuss implications of the particular alternatives with you. We have discussed your immediate plans to release stored water not under contract and power head water, and I concur that this is reasonable and prudent.





**HENRY'S LAKE**  
 Capacity 90,010 AF  
 Contents 87,924 AF 96%  
 Elevation At Full 6473.8'  
 Elevation Today 6473.5'  
 Feet To Full 0.3'

**GRASSY LAKE**  
 Capacity 15,182 AF  
 Contents 13,163 AF 87%  
 Elevation At Full 7210.0'  
 Elevation Today 7203.3'  
 Feet To Full 6.7'

**ISLAND PARK DAM**  
 Capacity 135,205 AF  
 Contents 106,247 AF 79%  
 Elevation At Full 6303.0'  
 Elevation Today 6299.2'  
 Feet To Full 3.8'

**JACKSON LAKE**  
 Capacity 847,000 AF  
 Contents 755,000 AF 89%  
 Elevation At Full 6769.0'  
 Elevation Today 6765.4'  
 Feet To Full 3.6'

**PALLSADES DAM**  
 Capacity 1,200,000 AF  
 Contents 1,009,490 AF 84%  
 Elevation At Full 5620.0'  
 Elevation Today 5607.7'  
 Feet To Full 12.3'

**RIRIE DAM**  
 Capacity 80,541 AF  
 Contents 77,941 AF 97%  
 Elevation At Full 5112.8'  
 Elevation Today 5111.1'  
 Feet To Full 1.7'

**AMERICAN FALLS DAM**  
 Capacity 1,672,590 AF  
 Contents 833,730 AF 50%  
 Elevation At Full 4354.5'  
 Elevation Today 4337.5'  
 Feet To Full 17.0'

**MILNER DAM**  
 Capacity 30,000 AF  
 Contents 37,176 AF 124%  
 Elevation At Full 4133.5'  
 Elevation Today 4133.5'  
 Feet To Full 0.0'

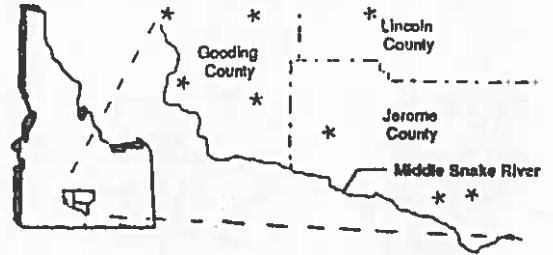
**LAKE WALCOTT**  
 Capacity 95,180 AF  
 Contents 95,310 AF 100%  
 Elevation At Full 4245.0'  
 Elevation Today 4245.0'  
 Feet To Full 0.0'

**U.S. Bureau Of Reclamation**  
**UPPER SNAKE RIVER RESERVOIR SYSTEM**  
 Total System Capacity 4,165,708 AF  
 Status On August 31, 1993  
 Today's Storage 3,015,961 AF  
 System Is 72% Filled

12/01/91 EMC, KB, DRD

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

Temporary Address:  
Office of the County Clerk, Gooding County Courthouse  
624 Main St., Gooding, Idaho 83330



July 29, 1993

Mr. John Keys, Regional Director  
Bureau of Reclamation  
1150 North Curtis Road  
Boise, ID 83706-1234

Dear Mr. Keys:

The Middle Snake Regional Water Resource Commission made up of Gooding, Jerome and Lincoln Counties in south central Idaho is concerned about the draw down of reservoir in the Upper Snake. You are aware that storage in these upper facilities is used to supplement water needed for the irrigation of crops in our three county area and a shortage of water in low water years could be economically devastating. We understand that a draw down for 1993 has or will be approved by the Committee of Nine and the Idaho Department of Water Resources. The counties don't have a problem with their decision at this time, but are very concerned about future years. We assume that an environmental impact statement (EIS) concerning the impact of the draw downs of the upper Snake storage facilities has been completed and approved. We also assume that the statement addresses the economy of south-central Idaho as well as the regions customs and culture. Please forward a copy of the EIS to the commission at your earliest convenience.

Sincerely,

Bob J. Muffley

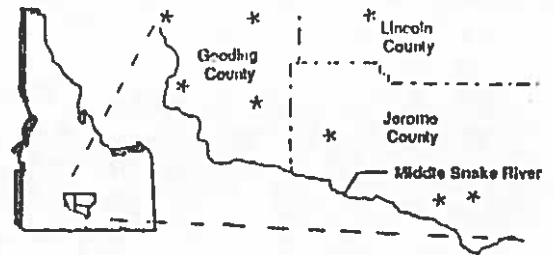
BJM/lm

cc: Lieutenant Colonel Robert D. Volz  
Department of the Army  
Walla Walla District, Corp. of Engineers  
Walla Walla, WA 00372-0275

# MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Temporary Address:  
Office of the County Clerk, Gooding County Courthouse  
624 Main St., Gooding, Idaho 83330

July 20, 1993



Ms. Vickie Traxler  
Senior Water Quality Analyst  
Division of Environmental Quality  
601 Pole Line Road, Suite #2  
Twin Falls, ID 83301-3035

Dear Ms. Traxler:

The draft nutrient management plan for the Middle Snake River presented by the hydroelectric industry isn't a plan at all. It reads more like a commercial espousing the wonderful job they do regarding our environment. Page two of the plan indicates that power projects are not sources of nutrients in the Middle Snake. Technically this is correct, but the projects themselves slow that water enabling nutrients and sediments to settle thus exacerbating plant growth in the river. The hydroelectric plan correctly points out that the operation of their projects can impact water quality through the temperature of the water, supersaturation, sedimentation and dissolved oxygen concentration. The plan goes on to quote various State standards regarding the operation of their facilities and then describes what they are doing with each project to insure they meet State standards. The power industry is taking a defensive posture with their plan as apposed to a pro-active stand. They are either not taking the nutrient planning effort seriously or taking it so seriously that they want to protect themselves at all cost. The easiest and cheapest defense is to hide behind existing standards. It has become apparent that existing standards may not be enough and the power industry should take the lead on the research and development of new and better standards for the industry.

Perhaps the thing that bothers the commissioners the most is the fact that the power industry, through their draft plan, is carefully trying to avoid any social responsibility for the welfare of the region. While it is true that power projects don't add nutrients to the river, many of the power generators largest customers do. There is nothing in the plan to suggest that power producers will lift a finger to help other water and power users in the region, through research and development to enhance the quality of return flows. This should be important to power producers because sediment build up in the river could cost them a great deal of money down the road. Perhaps power company executives and major stockholders could benefit from a course in environmental business ethics. The use of a natural resource creates an obligation on the user to protect that resource as well as the customs and culture

*Formed by a joint powers agreement between Gooding, Jerome, and Lincoln Counties, Idaho*

Ms. Vickie Traxler  
July 20, 1993  
Page 2.

of the people living near and dependent on that resource.

Public utilities, such as Idaho Power, are given a monopoly for a certain territory and a virtually guaranteed profit. They, perhaps even more than anyone else, should take their social obligations seriously.

The Commissioners recommend that the entire draft plan submitted by the hydroelectric industry be discarded and a new plan developed. The new plan should be brief and clearly describe the goals, objectives and strategies of the hydroelectric industry in dealing with the problems of the Middle Snake. Less attention should be paid to meeting existing standards and more to the development of new ways to exceed those standards. We also suggest that the Idaho Power Company include a commitment in the plan to work with other water users in the area to find ways to reduce or eliminate sediment and nutrient loading to the river. Idaho Power Company should commit time and money to solving the problems of the Middle Snake rather than paying for commercials that tell the public how concerned they are about the environment.

A copy of the hydroelectric section of the multi-county water resource management plan is attached for your review.

Sincerely,

Bob J. Muffley

BJM/lm

Encl.

June 22, 1993

Donald K. Campbell  
Idaho Aquaculture Association  
Vicki Patterson  
Idaho Dairyman's Association

Mr. Bob Muffley  
Idaho Association of Counties  
c/o Muffley Realty  
124 5th Ave. West  
Gooding, ID 83330

Dear Bob,

The Mid-Snake River Water Quality Improvement Coalition has been very successful in developing an alternative strategy for improving water quality using Idaho's Nutrient Management Act to supplant the EPA/Clean Water Act TMDL (total maximum daily load). Roy Eiguren recently received verbal confirmation from Kevin Beaton, Deputy Attorney General, that the NMA passes the legal tests to take the place of the TMDL.

This is good news for the state of Idaho. Today, the "water quality limited" designation has been placed on a variety of stream and river segments through-out Idaho. The NMA process is being modeled in these other areas. As developed in the Magic Valley, the NMA is a comprehensive, progressive, cost-effective, community based program. Additionally, the NMA program is being expanded to include not only nutrients, but the variety of other components that affect water quality: sedimentation, sediment, water depth, water velocity, nutrient cycling, among others. As implemented, the NMA is showing we can balance environmental stewardship with fiscal responsibility.

At one time, there were concerns regarding potential "conflicts of interest" and sharing in the costs associated with the NMA program development and subsequent payments to Roy Eiguren with Davis Wright Tremaine. We believe the NMA, as currently implemented, has been shown to be more comprehensive and progressive than envisioned by the original

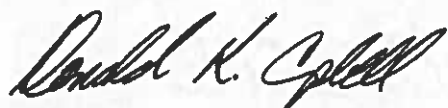
authors. Indeed, although the original intent of the bill is intact (preventing local phosphate bans), the act is now considered to be one of the more remarkable pieces of legislation in code.

The success of the NMA program has been the development and cohesiveness of the mid-Snake coalition. We believe it is important now, and for the future, to maintain these loose knit coalitions in order to adequately address the number of constraints facing our individual and collective industries. At present, aquaculture, dairy, farm bureau, and the power companies have contributed toward legal fees incurred by Roy Eiguren and Davis Wright Tremaine (it should be noted that Davis Wright Tremaine has absorbed and generously written off over \$18,000.00 in billable time). At this time the coalition lacks only \$4000.00 to be current with Roy Eiguren and Davis Wright Tremaine.

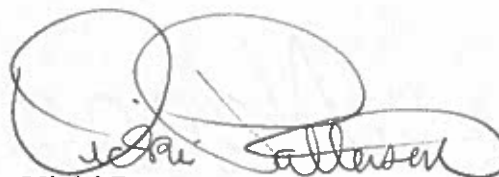
Given the success of the NMA program, it's broad application, and substitution for a TMDL, we hope you will consider contributing \$2000.00 to the legal fund.

Thank you for your help.

Sincerely,



Donald K. Campbell  
Idaho Aquaculture Association



Vicki Patterson  
Idaho Dairyman's Association

cc. Mr. Roy Eiguren  
Mr. Dan Chadwick

note: an invoice is enclosed for your records

June 22, 1993

INVOICE

Mid-Snake River Water Quality Improvement Coalition

\$2000.000 Legal Fees for development of Nutrient Management Plan

The Idaho Aquaculture Association has forwarded fees to Davis Wright Tremaine in order to advance the NMA program. Please make your contributions payable to:

Idaho Aquaculture Association  
P.O. Box 28  
Buhl, ID 83316

voice 208-543-4387  
fax 208-543-9277



July 20, 1993

Ms. Vickie Traxler  
Senior Water Quality Analyst  
Division of Environmental Quality  
601 Pole Line Road, Suite #2  
Twin Falls, ID 83301-3035

Dear Ms. Traxler:

Per our phone conversation of 7/22/93 this letter is to notify you that the Middle Snake Regional Water Resource Commission will no longer be part of your nutrient planning efforts for the Middle Snake River. The members of the commission are of the opinion that your efforts are stalled and the attendance of your nutrient planning meeting by our members is largely a waste of time. We are not blaming you, however, for this development. It is in the interest of the various water users groups to delay your process as long as possible. We believe you will eventually be forced to dictate much of what will be included in their final plans if the plans are to be meaningful. This, in turn, will give the users groups a sympathetic ear by some legislators who are bound to try to block your efforts eventhough legislative approval is not necessary. Several members of this commission have worked with these groups before and found that regardless of what they say their action may be very different. This is not totally their fault, however, as their groups are very loosely organized and really no one can say they speak for all users in their respective groups. At times, however, it appears that some groups use this to their advantage.

The commissioners do, however, desire to keep in touch with your planning efforts and ask that you forward all draft plans and revisions to the commission. We will review the plans and revisions and give you our input as to their acceptability when compared to the regional water quality plan. We also offer you our assistance when it is needed and when it is in the interest of our three-county region. Finally, we will keep in touch with our area legislators concerning the nutrient planning effort and, hopefully, head off any actions that could be considered regressive. Your division and my commission are both extremely concerned about water quality in the Middle Snake region and it behooves us to keep in touch on a one on one basis.

Ms. Vickie Traxler  
July 27, 1993  
Page 2.

The Commissioners appreciate the job you are trying to do and hope that we can maintain a close relationship.

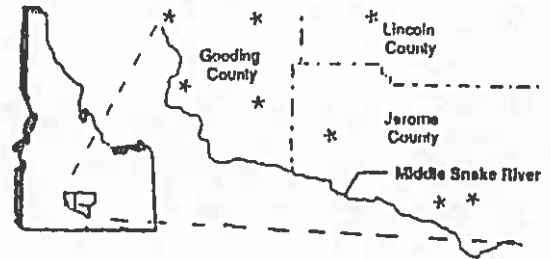
Sincerely,

Bob J. Muffley

P.S. Attached are our comments to the hydroelectric industry plan.  
Please distribute our comments to the writers of the plan.

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

Temporary Address:  
Office of the County Clerk, Gooding County Courthouse  
624 Main St., Gooding, Idaho 83330



July 20, 1993

*asked to read this letter  
at our last meeting.*

Mr. Donald K. Campbell  
Idaho Aquaculture Association  
P. O. Box 28  
Buhl, ID 83316

Dear Don:

You are aware that the Old Middle Snake River Study Group had a strict policy of not joining coalitions or groups dealing with water issues within our region. When a letter was sent asking us to join the coalition the study group members voted in opposition and I forwarded their sentiment to your group.

The counties do not recognize the bill you forwarded us for \$2,000 for two reasons. First, we were not members of the coalition and never attended any meetings or approved the expenditure of funds. Second, the Middle Snake River Study Group has been disbanded by the counties and all funds remaining in the account of the Study Group were proportioned back to the counties.

Please let me know if you have any questions.

Sincerely,

Bob J. Muffley

BJM/lm