



IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

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

August 8, 1994

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

RE: Snake River Water Quantity Plan

Dear Bob,

On behalf of the Idaho Fish and Game Dept. (IDFG) we would like to thank The Middle Snake Regional Water Resource Commission (MSRWRC) for allowing us the opportunity to provide input to your water quantity plan to improve the health of the Snake River ecosystem. We applaud the foresight of the MSRWRC for looking at water quality and water quantity as being inter-connected and both vital to improving the health of the Snake River.

In 1978, the Idaho State Legislature passed a portion of the State Water Plan concerned with the development of instream minimum flows for protection of fish and wildlife resources. Subsequently, the Bureau of Land Management contracted with IDFG to collect data and perform flow modeling to predict minimum flows necessary to maintain fish and wildlife resources. Data generated from this study is still considered the most defensible biological flows necessary to support minimum fish and wildlife populations.

To maintain the health of the river ecosystem and the Snake River, seasonal flows should mimic the hydrograph present before dams were placed on the Snake River. For instance, bankfull flows and out-of-bank flows should be released for short periods in the spring to accomplish such tasks as rejuvenating flood plains and nurturing riparian vegetation. These flows are in addition to minimum flows suggested from the report.

Once again, thanks for the opportunity to provide input on such an important issue. If you have questions with the data or require further assistance please contact Dave Parrish, Environmental Staff Biologist at this office.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

cc: NRPB



1572 East Hwy. 26, Richfield, ID 83349
BUS.: 208-487-2545 FAX: 208-487-3411

August 6, 1994

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

Dear Mr. Muffley,

Thank you for the opportunity to express our concerns and suggestions for management of the water resources in this area.

Avonmore West Inc. manufactures cheese and whey products. We currently have plants in Twin Falls, Richfield, and Gooding. The plants in Twin Falls, and Richfield are supplied with water from municipal wells. The water supply for the plant for the plant at Gooding is from 2 industrial wells. The Gooding plant process 2,000,000 lbs of milk per day and is operating at full capacity. The milk is supplied by 204 producers who sell directly to Avonmore and by milk Coops. The processing of the milk provides a market for milk producers, several jobs within the company, and many jobs resulting from the spin off effect in the communities.

We regret that the need for rationing of the water resources is necessary and relize that many rely on the water supply for their livelihood. However, we feel that **established** Industrial wells need to be in a classification which is separate from agricultural wells and have a priority next to domestic wells. We feel that this is reasonable because of the impact that the industries have on the economic stability and well being of our communities. The industries have been built and investments made which are dependant upon the water supplies. The water is necessary to operate the plants. A rationing of the water below that required to operate the facility would not only be detrimental to the successful operation of the facility, it could also have a significant effect on many other people.

Thanks again for the opportunity to express our concerns and opinion.

Rickie Del Warren

A handwritten signature in blue ink that reads "Rickie Del Warren".

Wastewater Treatment Manager
Avonmore West Inc.

August 2, 1994

Mr. John Rosholt
Attorney at Law
P. O. Box 1906
Twin Falls, ID 83303-1906

Dear Mr. Rosholt:

This letter is a follow-up to my letter to you dated 7/12/94. In that letter, I informed you that the Idaho Association of Realtors was meeting with other western states to recommend policy, on several issues that are of concern to water users in Idaho, to the National Association of Realtors, the world's largest trade association.

Idaho Realtors met with representatives from 15 western states and a copy of some of their suggested policies is attached. State associations are also looking to become monetarily involved in these issues through the use of issues mobilization funds. If the National Association approves the suggested western policies, it could open the door to a tremendous pool of funds as well as extensive lobbying efforts.

I have also identified several other sources of funding, but I can't really approach anyone until the North Side Canal Company and other affected water users in our three county region commit to the legal action and formulate a plan of attack as well as a brief on the issue. I am looking at this as a two-phase process. First, we would go to court to seek a restraining order against further salmon flush releases until an E.I.S. is approved. The second phase would undoubtedly be a legal action based on the findings by the government in the E.I.S. This is probably where we would need the big bucks.

Mr. John Rosholt
August 2, 1994
Page 2.

Things appear to be moving fairly fast at this point and it may be time to get together to discuss the situation. I have spoken with Ted Deihl and told him that representatives of this commission would make themselves available to meet with the North Side Directors at a time and place of their choosing.

Sincerely,

Bob J. Muffley

cc: Ted Diehl, Northside Canal Company
921 North Lincoln
Jerome, ID 83338

Enc: Suggested Policy Statement for Western States

Idaho Water Users Association, Inc.



PRESIDENT
1ST VICE PRESIDENT
2ND VICE PRESIDENT
EXECUTIVE DIRECTOR

Vernon E. Case
James Bright
Terrell Sorensen
Sheri L. Chapman

410 SOUTH ORCHARD, SUITE 144
BOISE, IDAHO 83705
208-344-6690 – OFFICE
208-344-2744 – FAX

LYNN TOMINAGA
Water Policy Analyst
DEWITT MOSS
NWRA Director

DIRECTORS

LELAND E. CLARK
Ashton - District 1
RONALD CARLSON
Firth - District 2
TERRELL SORENSEN
American Falls - District 3
GAYLE RICHINS
Burley - District 4
DAN SHEWMAKER
Kimberly - District 5
DICK MARSHALL
Jerome - District 6
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Montpelier - District 8
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Shoshone - District 10
VERNON E. CASE
Wildier - District 11
HENRY WEICK
Boise - District 12
DENNIS LAMMEY
Caldwell - District 13
HELEN BIVINS
Payette - District 14
DON SATCHWELL
Post Falls - District 15
HAROLD MOHLMAN
Rupert - District 16
HOWARD CONRAD
Murtaugh - District 17
BILL TAYLOR
Idaho Falls - District 18

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Boise
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Boise

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Water Quality
ROY ORR
Nominating & Awards
CHARLENE ORR
Rural/Urban Affairs
DON SATCHWELL
Municipal

July 28, 1994

Mr. Bob Muffley
P. O. Box 267
Wendell, Idaho 83355

Re: Regional Water Quantity Plan

Dear Bob:

I have enclosed for your information testimony provided by Sheri Chapman before the House Natural Resources Committee, Oversight and Investigations Subcommittee. He testified on the water spreading issue and has some good insights. I am including a draft report done by Bookman-Edmonston Engineering on "Nonstructural Water Management Opportunities Within the Snake River Basin, Oregon and Idaho". This report will be presented to the Northwest Power Planning Council in August.

The report draws some interesting conclusions and all the recommendations need extensive study before any implementation. Water quantity issues in Idaho and the West are under pressure for other uses of water other than for agriculture. The report also highlights the demands being made on water in Idaho and everyone's priority is not the same. The report has outlined economic impacts if land was taken out of production to gain water for endangered species or fish and wildlife values.

The Idaho Water Users Association has not taken a position on conjunctive management because the Association has members on both sides of the issue. If you have any questions about the new proposed rules on conjunctive management or how they will be implemented, please give me a call.

The last comment I will make is that any regional plan that involves water quantity must coincide with Idaho water law and the Idaho State Water Plan. The Idaho Water Resources Board does have a planning staff for the State Water Plan and any new additions to the plan must be confirmed by the state legislature. It

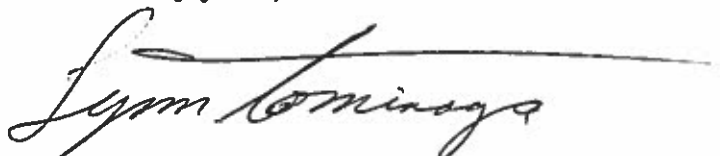
Mr. Bob Muffley
July 29, 1994
Page 2

does not make sense for a regional water quantity plan to be put into place by county governments which could conflict with the State Water Plan.

In conclusion, a regional water quantity plan does have some merit but the plan must supplement or compliment the State Water Plan. The most useful information any regional plan would have is the economic impacts due to water policy change. The Idaho Department of Water Resources does not have adequate staff or knowledge of the area to do an accurate economic analysis of impacts. This information would be useful not only to the state but to the legislators who finally adopt any new parts to the State Water Plan. I hope you will consider these questions carefully as you proceed in putting together a regional water quantity plan for the counties you represent.

I hope you remember, the policies you set as a governing body and where you are located can affect every water user in this state. Since the counties you represent sit on the tail end of the hydrological system and they have most of the senior water rights for both surface and groundwater uses, the actions you take can affect every other water user upon the Snake River and Snake River aquifer.

Sincerely yours,

A handwritten signature in cursive script that reads "Lynn Tominaga". The signature is written in black ink and is positioned above the printed name and title.

Lynn Tominaga
Water and Public Policy Analyst

LST:p
enclosures: 2

LARRY E. CRAIG
IDAHO

HART SENATE OFFICE BUILDING
(202) 224-2752

AGRICULTURE, NUTRITION,
AND FORESTRY
ENERGY AND NATURAL
RESOURCES
SPECIAL COMMITTEE
ON AGING
JOINT ECONOMIC
COMMITTEE
SELECT COMMITTEE
ON ETHICS

United States Senate

WASHINGTON, DC 20510-1203

July 25, 1994

Mr. Robert Muffley
Middle Snake Regional Water Resource Commission
PO Box 267
Wendell, ID 83355

Dear Robert:

Thank you for contacting me. I appreciate hearing from you and knowing your concerns.

I agree wholeheartedly that it is becoming increasingly difficult for communities to meet the numerous demands placed on them by federal mandates and regulations. Communities, particularly small communities, simply do not have the manpower or resources to keep up with new or altered mandates and implement new regulations. This trend cannot continue or we will cripple, if not destroy, the very backbone of our nation -- our rural communities.

With this in mind, I am an original cosponsor of S. 993, the Community Regulatory Relief Act. S. 993 would end the practice of imposing unfunded federal mandates on states and local governments. Introduced in May, 1993, S. 993 is awaiting action by the Senate Governmental Affairs Committee. I will work for the passage of this important legislation.

Certainly, however, this alone will not be enough to help communities. Laws such as the Endangered Species Act (ESA) must be amended to take into consideration the social and economic needs of communities, of families. I continue to support legislation including S. 1521 which would improve the integrity of ESA programs and ensure balanced consideration of all impacts of decisions whether to list species.

There is no doubt the preservationist movement in this country has had and continues to have a significant impact on our policies, laws and, consequently, on industries and American families. During the past two years, the iron grip of the preservationist movement has tightened around the throat of America because "environmentalists" now hold key policy making positions within the federal government. Rest assured, I will continue to monitor the activities of the Administration and take appropriate action when those activities would adversely impact Idaho's rural communities.

RESOURCE CENTER
304 NORTH 8TH STREET
ROOM 147
BOISE, ID 83702

304 NORTH 8TH STREET
ROOM 149
BOISE, ID 83702

103 NORTH 4TH STREET
COEUR D'ALENE, ID 83814

846 MAIN STREET
LEWISTON, ID 83501-1864

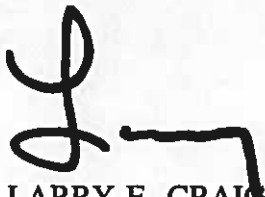
250 SOUTH 4TH AVENUE
POCATELLO, ID 83201

1292 ADDISON AVENUE EAST
TWIN FALLS, ID 83301

2539 CHANNING WAY
IDAHO FALLS, ID 83404

Again, thank you for contacting me. I welcome your continued correspondence.

Sincerely,

A handwritten signature in black ink, appearing to be 'LARRY E. CRAIG', written in a cursive style.

LARRY E. CRAIG
U.S. Senator

LEC\ljw

MICHAEL D. CRAPO
2d DISTRICT, IDAHO
NEW MEMBER LEADER

ENERGY AND COMMERCE COMMITTEE

REPUBLICAN POLICY COMMITTEE

REPUBLICAN TASK FORCE ON
AGRICULTURE
CO-CHAIRMAN

REPUBLICAN TASK FORCE ON
PRIVATE PROPERTY RIGHTS
CO-CHAIRMAN

CONGRESSIONAL RURAL CAUCUS

Congress of the United States
House of Representatives
Washington, DC 20515-1202

July 25, 1994

- WASHINGTON, DC
437 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-5531
- DISTRICT OFFICES:**
- 304 NORTH 8TH STREET
ROOM 444
BOISE, ID 83702
(208) 334-1953
- 2539 CHANNING WAY
SUITE 330
IDAHO FALLS, ID 83404
(208) 523-8701
- FEDERAL BUILDING
250 SOUTH 4TH, ROOM 220
POCATELLO, ID 83201
(208) 236-6734
- 488 BLUE LAKES BLVD., #105
TWIN FALLS, ID 83301
(208) 734-7219

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

Dear Bob:

Thank you for your letter which was received
this week and read with a great deal of
concern.

In an effort to be of help in this matter, I
have contacted officials at the U. S. Fish and
Wildlife Service for a report. Just as soon
as a reply is received, it will be shared with
you.

Sincerely,



Michael D. Crapo
Member of Congress

MDC:dh

July 25, 1994

Range Reform '94 EIS
Bureau of Land Management
P O Box 66300
Washington D.C.

RE: TESTIMONY ON RANGE REFORM '94 E.I.S.

This Commission, and the Counties we represent, have some concerns regarding the Range Reform ENVIRONMENTAL IMPACT STATEMENT. Please regard the following as the formal comments of the Middle Snake Regional Water Resource Commission and include these comments in the agencies record pertaining to this matter.

This Commission has developed, and our Counties have adopted, a water quality plan for our three county region. This plan covers all water sheds in our region including those flowing through federal lands. Because of this we are concerned about the statements in your Draft EIS pertaining to the ownership of future water improvements. Currently, water improvements are owned by the individual rancher who installs them. These improvements are necessary and beneficial, not only to the rancher and wildlife, but to fragile riparian areas.

Our Counties, and specifically the Middle Snake River, have some serious water quality problems; and the River has been listed as water quality limited by both the State and the EPA. If the river is to be rejuvenated, all waters flowing into it must be cleaned up and maintained. If water improvements by individual ranchers on Federal lands become assets of the Federal Government, you have in essence, taken away the incentive for ranchers to make improvements. This could make the cleanup of the Middle Snake much more difficult. Big game herds have been steadily increasing in our area and they enjoy the riparian areas as much as livestock.

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

July 25, 1994

If water improvements by ranchers help to disperse the herds of deer, elk and antelope, then we have a win win situation. The record of our regional BLM office is such that this commission prefers to work with individual ranchers with regard to riparian enhancement and protection. We find that for the most part they are much more responsive and willing to help, once they understand the problem. They also have cost sharing grant monies available to them for riparian enhancement projects.

This Commission is very concerned about the proposed makeup of the Multiple Resource Advisory Councils. No one knows a district better than the people who reside in it. Every region has their resource users, environmental activists, all levels of government agencies and a public at large. The planning process used by this Commission includes all of these interests and we have never failed to reach a negotiated consensus on the issues, no matter how tough that issue is. People who reside in a region have a sense for the customs and culture of the area and understand the impact their decisions will have on the local economic base. The water quality plan developed by this Commission is tough but fair, yet the economic cost is held to a minimum. In some ways our plan is more stringent than those developed by either State or Federal Agencies, but because the developers of this plan understood the region, they fully realized what was feasible and what was not.

Your plan opens the doors for paid staff from national environmental organizations to make up as much as one-third of the advisory council and then you will even pay their travel cost. These people who are taking their marching orders from the national leadership know nothing about the customs and culture of the region, nor do they understand the fragile economic structure of small rural communities. Should environmental concerns be represented on the advisory councils? Of course they should. This Commission considers itself an environmental concern. The difference, however, is that we as well as other local environmental groups, understand the people, the issues, and the economics of the region we all chose to reside in. We have no national agenda, but we do want to breath clean air and be able to swim, fish, and play in our streams and rivers; or simply hike or ride through Federal lands. These things are part of the customs of our region and we want to protect them, possibly even more so than a national environmental group. We also understand, however, that issues must be prioritized and solved over time, in order to preserve the local economy.

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

July 25, 1994

We therefore, recommend that all environmental slots on advisory councils be made up of local members of national, state or local environmental groups and not paid staff. We also recommend that no less than five seats be reserved for the ranching community who may vote regardless of perceived conflicts of interest. The remainder of the seats should be filled by representatives of local government (county commissioners or their representatives) and the public at large. All appointees should reside within the region. Various entities from within the region should submit names for the various council seats to the Governor. The Governor would then choose from these lists the actual members, to each advisory council, to be affirmed by the Department. This method of choosing council members should, somewhat, remove the political aspect from the appointment process. We also suggest that all council members be reimbursed for any travel or lodging by the Department. Some of your districts in the West are quit large and travel can be extensive. This would allow those who otherwise could not afford a seat on the council, to have an equal opportunity to serve.

There are many issues in the plan that concern our counties, particularly economic issues, but we assume that these have been addressed by others.

Thank you for allowing us the opportunity to comment on the draft EIS.

Sincerely,

Bob J. Muffley
Chairman

PAYETTE COUNTY

COMMISSIONERS
DISTRICT 1 KENNETH GISSEL
DISTRICT 2 GERALD MITCHELL
DISTRICT 3 ARNOLD HOWARD, CHAIRMAN

PAYETTE COUNTY COURTHOUSE
PAYETTE, IDAHO 83661
PHONE (208) 642-6015

July 25, 1994

National Marine Fisheries Service
1335 East West Hwy
SSMCI, LALL, 9272
Silver Spring, MD 20910

Army Corp. of Engineers
Building 602 City County Airport
Walla Walla, Washington 99362

To Whom It May Concern:

We are writing to oppose the test drawdown of Lower Granite Dam for The Salmon recovery. We support the position of Senator Larry Craig in this issue. Our main areas of concern regarding the use of Idaho's water for the flush/drawdown plans for the Salmon recovery are:

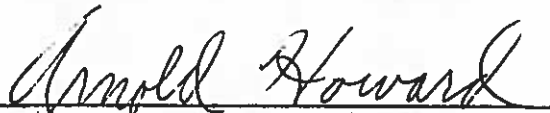
1. A lack of clearly refined criteria for measuring results.
2. Drawdowns do not meet the criteria as a cost-effective solution.
3. Drawdowns and flushes waste time that could be used to initiate better solutions to salmon recovery.
4. The lack of consideration of the impact on customs, cultures and economics of those counties and states affected by the drawdown and flushes.
5. The apparent lack of coordination of agencies and efforts in the Salmon recovery plan.

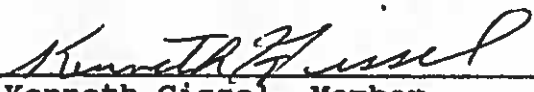
We encourage the adoption of the following alternatives as well as others based on common sense and good science.

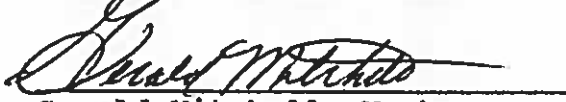
1. Embark on an immediate expansion of predator control programs.
2. Immediately improve juvenile fish collection facilities at Lower Granite Dam.
3. Expand and improve the juvenile fish transportation program.
4. Make necessary improvements to fish screens, gate wells and turbine intakes to reduce juvenile fish mortality.
5. Increase research in improving "fish friendly" barges and an artificial river or fish pipeline to the ocean.

We believe that intelligent people who have developed a dam system and economy that is the wonder of the world can find ways to recover the Salmon and maintain our economics and way of life.

Sincerely,
PAYETTE COUNTY COMMISSIONERS


Arnold Howard, Chairman


Kenneth Gissel, Member


Gerald Mitchell, Member

pc: Governor Andrus
Middle Snake Regional Water Resource
Senator Mary Hartung
Representative Donna Jones
Representative Gertie Sutton
Larry Echohawk
Phil Batt
IAC
Lincoln County

July 20, 1994

Darren Brandt
Acting Monitoring & Technical Support Supervisor
601 Pole Line Road, Suite 2
Twin Falls, Idaho 83301-3035

Dear Darren:

Please thank Mr. Lupton for allowing this Commission to comment on the Draft Watershed Approach Framework Document. I'm afraid the document reached me after our Commission met in June and must be answered prior to our July meeting. Because of this, I will need to have my comments reviewed by them and I will notify you if there is a change.

I concur with the watershed approach to planning and the implementation of those plans concerning water quality issues in Idaho. We discovered, when developing our regional plan, that water refuses to recognize man drawn lines on a map. I do have several concerns with regard to the document, however.

The philosophy of this Commission and the County Commissioners we represent is that for plans, implementation of plans and enforcement to work, there must be a partnership between Federal, State and Local units of government. I, therefore, recommend that county commissioners and city councils or their representatives be members of the Watershed Advisory Group and become full partners in formulating the criteria for implementation of the plan when developed. Local government should be an ongoing participant and partner with your agency and the E.P.A.

Under components of a water shed plan which begins on page 21, I believe you have left off the most important aspect of any plan. The customs and culture of the planning region must be defined. By doing this, you save yourself a lot of guess work and angry citizens when it comes time for implementation and enforcement. By defining the customs and culture, you will better understand the people of the region concerning their wants, motivations and cultural and social expectations.

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

July 20, 1994

A second important aspect of a resource plan, is an economic analysis of the planning region or sub-regions. A complete understanding of the economy of an area, helps those who implement a plan, better understand what is do-able and affordable by local residents. It may seem obvious that people who implement plans would recognize the economic capabilities of a city, county or region, but I have found that this is not happening in various areas of resource management. An economic analysis helps agencies to better understand why something can be economically feasible in one area and not in another. If a rule will have an adverse economic impact on a particular community, then that fact should be well understood and ways found to reduce or eliminate that negative impact.

Finally, I would suggest that the components of the water shed plan be somewhat separated. The actual plan or draft plan should be clearly set out on the first few pages of the document. The actual plan portion of the document should include component 1.0 (forward), components 3.0, 3.1, 4.0 and then the planning area's customs and culture and economic analysis. These should be followed by a brief description of the goals, objectives and strategies in outline form. All other documentation concerning justification for action, should follow the actual outline of goals, objectives and strategies.

You have described on pages 21 through 30 a document very similar to the monstrosities being developed by federal agencies that are doing nothing but making the public angry. Agencies, both federal and state must understand that the public has more things to do than sit at home in the evening reading various plans. The size and complexity of a document has a direct relationship to the number of people who will read it. You can probably guess the relationship.

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

July 20, 1994

My Commission seriously believes that to make a plan work, you must involve the majority of the public and they must be willing players. If you attempt to make them wade through pages of data that they can't relate to they will automatically oppose both the plan and the planning agency. I ask that you rethink the planning document described in the Watershed Framework Document so that the lawyer, auto mechanic and homemaker will not be intimidated by its size, be able to clearly understand it and be able to read it in 45 minutes. My preference would be that all statistical data, maps and justifications be placed in a document completely separate from the actual plan. This eliminates the need for an executive summary which can be confusing as well. Keep it simple!

Thanks again for allowing me to comment on the watershed approach and if I can be of further assistance, please let me know.

Sincerely,

Bob J. Muffley
Chairman

July 19, 1994

Vicki Traxler
Division of Environmental Quality
601 Pole Line Road
Twin Falls, Idaho 83301-3035

Dear Vicki:

We are in the process of writing a water quantity plan for our region and we are seeking input from all active water user groups within our three county area. It is our hope that you will submit to us your suggestions on the contents of a regional water quantity plan. The issues the Counties must address are conjunctive management, endangered species, water spreading and the social and economic implications of these issues. You may be aware that time is of the essence so comments must be submitted prior to August 17, 1994.

We look forward to receiving your comments.

Sincerely,

Bob J. Muffley
Chairman

BJM/mtw

July 12, 1994

John Rosholt
Attorney at Law
P O Box 1906
Twin Falls, Idaho 83303-1906

Dear Mr Rosholt:

My Commission wants to thank you and Mr. DeWitt Moss for speaking with our County Commissioners on the Salmon Flush and water spreading issues. Your comments went a long way in educating the Commissioners as to the implications of these issues on our local economy.

You are aware that we are in the process of writing a water quantity plan for our region and we are seeking input from all active water user groups within our three county area. The Northside Canal Company represents a large group of users, and it is our hope that the Company will submit to us their suggestions on the contents of a regional water quantity plan. The issues the Counties must address are conjunctive management, endangered species, water spreading and the social and economic implications of these issues. You are aware that time is of the essence so comments must be submitted prior to August 17, 1994.

You made the comment at the meeting with the Commissioners that we should keep each other informed as to our actions on the Salmon Flush and water spreading issues. I have instructed our Executive Director to sent you our testimony concerning these issues and I have also attached a sample letter to our Congressional Delegation by the County Commissioners. All counties that were present at the meeting have submitted this or similar letters. I have also sent a copy of this letter to the Idaho Association of Realtors who will be attending a meeting of Realtors in twelve Western states this month. The purpose of this meeting is to activate Realtors throughout the West on the social and economic implications of the endangered species act on the western states with the ultimate hope of involving the National Association of Realtors (NAR). The powerful Washington lobby of the NAR could be a tremendous ally and bring national attention to the issue. I have chaired several committees of the NAR and testified many times

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

July 7, 1994
Norman Seibold, Chairman
Minidoka County Commission

in Congress on their behalf and I know their power in Congress on economic and private property right issues. Another powerful lobbying group that we need to get behind us on these issues is the American Bankers Association.

Thanks again and we look forward to receiving your comments.

Sincerely,

Bob J. Muffley
Chairman

BJM/mtw

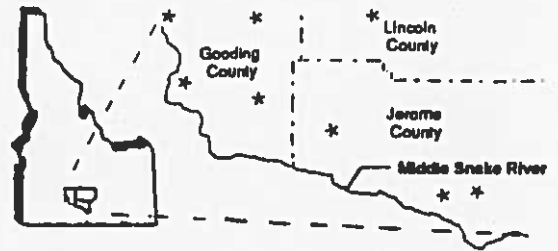
Enclosures:

1. Sample letter to Congressmen
2. Comments on Draft Biological draw down test and E.I.S. for lower Snake River

BJM/mtw

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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



Chairman July 7, 1994
Bob Muffley
Vice Chairman Norman Seibold, Chairman
Fred Brossy Minidoka County Commission
Committee Route 1, Box 18
Dan Suhr Rupert, Idaho 83350
Rick Thompson
Roy Prescott

Dear Norm,

Thank you for attending the meeting on the 29th in Jerome with DeWitt Moss and John Rosholt. This commission felt it was time for the area County Officials to get a full briefing on the issues that irrigated agriculture and other agricultural interests have been struggling with for several years. These issues are now approaching critical mass in our region. The Counties in attendance were asked by Mr. Rosholt to write our congressional delegation on two very important issues. I took the liberty of drafting a sample letter covering those items and have attached it to this letter. Cassia County was not in attendance and I was hoping you could invite them to send a similar letter. My Regional Water Resource Commission believes that it is important that these laws be changed, to force recognition of local interest by Federal Agencies.

Lincoln County Chairman Jerry Nance mentioned to me, after the meeting, that Minidoka County is interested in joining our regional planning effort and we would love to have you aboard. Frankly there are too many issues for our small commission to properly address, and extra warm bodies would be most welcome.

You are probably aware that the Middle Snake Regional Water Resource Commission was formed through the efforts of the old Middle Snake River Study Group. The group was charged with developing a water quality plan for Twin Falls, Jerome, Lincoln and Gooding Counties. A plan was developed which called for the formation of a permanent regional planning commission. The plan was adopted by Jerome, Lincoln and Gooding Counties. The Twin Falls Commissioners failed to adopt the plan so they are not members at this time. On April 12th of 1993 Jerome, Lincoln and Gooding Counties entered into an agreement establishing and funding this Commission. The agreement broadened the scope of the new

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

July 7, 1994
Norman Seibold, Chairman
Minidoka County Commission

Commission to include water quantity, so we have been working to expand our plan to include water quantity issues. We are also adding a section to the plan which will define our area's customs and culture as well as our local economy. In short, we are trying to develop a document that would stand up in Federal District Court.

Before a county can become a full member of the Region, the county must adopt the water quality plan and be approved by a majority of the member counties. I can assure you that the member counties would agree. You would then need to adopt an ordinance approving the Joint Powers Agreement. The annual cost to the member counties is \$3,500.00. Lincoln County, however, because of its small population is only assessed one-half of that amount. I think we give the counties a lot of mileage for a very small price. As members, you would designate one County Commissioner to sit on the Executive Committee and appoint two members to the Planning Commission. A copy of the Water Quality Plan and Joint Powers Agreement is attached. We are planning a massive revision to the Plan within a few months, adding the items I have previously mentioned. I would suggest that, if you are still interested, you budget \$3,500.00 for the 94-95 budget year. Your prorated share for this year would only be around \$1,000.00. We would offer you two temporary seats on the Commission at this time to help in the planning process. Once the plan revisions are approved by the Executive Committee, Jerome, Lincoln and Gooding Counties will go to public hearings on the revisions and your County would have hearings on the old plan including the new revisions. If, after hearings, your County adopts the ordinance, you can be made permanent members.

If you decide on temporary ex-officio membership, we would ask that you give a lot of thought to the people you appoint. We have excellent representation on the Commission from the agricultural community at this time. We have two ranchers, a dairy operator, two irrigated agricultural pumpers and most are also irrigators from above ground water sources. To help round out our Committee

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

July 7, 1994
Norman Seibold, Chairman
Minidoka County Commission

structure you might consider someone from the business community, a homemaker who is interested in water issues or even someone with an environmental background. The plans have a better chance of standing up in court if the planning Commissioners are from diverse backgrounds. The member counties also choose people who would be willing to drop everything to attend and give testimony at hearings, visit the legislature, and even travel overnight if need be, asking for little in the way of compensation. We need people who will work hard, be willing to learn, do research, write well and most of all, members who care about their county and region. The learning curve will be steep for any new members. The Commission meets every third Wednesday at the Jerome Courthouse at 7:30 P.M. in the summer months and at 2:00 P.M. during the late fall, winter and spring months.

I hope I haven't scared you off, because we really need your help and expertise. If you need further information or would like members of the Commission to visit with you personally, let me know. If you desire to join the Commission on an ex-officio bases at this time, please let me know as soon as possible so we can notify our historian, who is attempting to define the customs and culture of the region.

Sincerely,

Bob Muffley
Chairman

BJM/mtw

Enclosures:

1. sample letter to congressmen
2. Joint Powers Agreement & Coordinated Water Resource



IN REPLY
REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION

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

JUL 06 1994

To: Interested Parties

From: Rescheduling of Water Spreading Public Comment Meetings

The Bureau of Reclamation has been holding public information meetings on water spreading throughout the northwest. Reclamation originally planned a second set of meetings for public comment on the draft policy to be held July 12 - July 28. This notice is to inform you that the public comment meetings are being rescheduled for August. The change is to allow Reclamation adequate time to redraft the policy and provide it to the public well in advance of the public comment meetings. By the end of July you will be provided the exact dates and locations of the public comment meetings as well as a copy of the "Draft Water Spreading Policy."

The Bureau of Reclamation welcomes your comments on the draft policy. During the public comment hearings, both oral and written comment will be taken. Oral remarks will be limited to 5 minutes per person and will be recorded. Written remarks may be submitted during the meetings or by mail and must be received by August 31, 1994. If you have any questions, please contact this office at the above address or telephone (208) 378-5320 or 5324, or your local Bureau of Reclamation office.

*our reply sent
on 8-29-94*

LARRY LAROCCO

1ST DISTRICT, IDAHO

COMMITTEE ON NATURAL RESOURCES

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS

AT-LARGE WHIP



Congress of the United States
House of Representatives
Washington, DC 20515

July 5, 1994

1117 LONGWORTH BUILDING
WASHINGTON, DC 20515-1201
(202) 225-6611

DISTRICT OFFICES

304 N 8TH STREET
BOISE ID 83702
(208) 343-4211

109 S KIMBALL AVENUE
P.O. BOX 67
CALDWELL, ID 83606
(208) 459-2362

621 MAIN STREET
LEWISTON, ID 83501
(208) 746-6694

408 SHERMAN AVENUE
COEUR D'ALENE, ID 83814
(208) 667-2110

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

Dear Mr. Muffley:

Thank you for your letter regarding your concerns about the planning processes used by the federal agencies.

Out of congressional courtesy I have forwarded your letter to Congressman Mike Crapo since you are a resident of the second Congressional District.

With best wishes.

Sincerely,

A handwritten signature in blue ink that reads "Larry LaRocco".

Larry LaRocco
Member of Congress

LL/cm



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

July 1, 1994

M E M O R A N D U M

TO: Bob Muffley

FROM: Robert E. Lupton *DLB for REL*
Regional Administrator
Division of Environmental Quality
South Central Idaho Regional Office

SUBJECT: "DRAFT" Watershed Framework Document

Enclosed is the latest "draft" of the Watershed Framework Document prepared by the Division of Environmental Quality's (DEQ) Monitoring and Technical Support Bureau. We would appreciate you taking the opportunity to review and provide comments on the "draft" Watershed Framework Document.

Please provide any comments you have to Darren Brandt, Acting Monitoring and Technical Support Supervisor in our Twin Falls Office. We will accept comments on the document until July 20, 1994.

Please call if you have any questions.

cc: Darren Brandt, Monitoring and Technical Support Supervisor
Donna Rodman, DEQ-CO
Mike McMasters, Prevention & Certification Supervisor, DEQ

June 21, 1994

Mary Gaylord, District Manager
Shoshone District Office
Bureau of Land Management
P O Box 2-B
Shoshone, Idaho 83352

RE: TESTIMONY ON DRAFT BENNETT HILLS PLAN AND E. I. S.

Dear Mary Gaylord:

The Middle Snake Regional Water Resource Commission has some concerns regarding your draft plan and Environmental Impact Statement for the Bennett Hills District. Please regard the following, as the formal comments for this Commission and include these comments in the agencies record pertaining to this matter.

1. Table 2.3 pages 40-42 (Riparian Resources)

This Commission applauds your efforts to enhance the riparian areas in the Bennett Hills region. We would hope, however, that the Bureau works for agreement and forms partnerships with the ranching community in these efforts. We also strongly suggest that representatives of this Commission be a part of your planning efforts.

2. Table 2.3 pages 43 and 44 (Riparian Resources)

This Commission, when working on the Middle Snake Regional Water Resource Plan, discovered the tremendous benefits that can be derived from the creation of wetlands or, as you call them, biological water filtering systems. Biological filtering systems are a proven method of enhancing water quality, but the statements in your plan appear to present them in a very negative light. We understand your concerns, but believe the benefits far outweigh them. We must make strides in improving our regions water quality, and wetlands serve to make water borne pollutants more manageable.

We request that the BLM review the wording on biological water filtering and present it in a more positive manner. We would also like to see a willingness on the part of the Bureau to seek public-private partnerships in locating, developing and managing public land found to be suitable for wetland development. We must all live together in the Middle

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

June 21, 1994

Snake area and it will take all of us, working together, to clean and then maintain our water resources.

3. GENERAL REMARKS ON PLANNING PROCESS:

The Bureau, along with other State and Federal agencies, was allowed by the Counties of the Middle Snake Region to be a participant in developing a regional water quality plan. The process took three years and the Bureau participated throughout. The Counties were not given the same opportunity, however, in the drafting of the Bennett Hills plan and E.I.S. We must ask why? It has been our experience that plans are best when all levels of government are made equal partners in the process along with the public they represent. We also find no mention of the regional water quality plan within this document nor has there been any attempt to coordinate elements of your plan with that local plan. We assume this oversight will be corrected in a subsequent re-draft of the document.

Sincerely,

Bob J. Muffley
Chairman

DIRK KEMPTHORNE
IDAHO

United States Senate

WASHINGTON, DC 20510-1204

June 29, 1994

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

Dear Bob:

Thank you for contacting me to share your suggestions for reducing the burden placed on local governments by the federal planning processes.

Reducing the burdens the federal government places on state and local governments has been a primary focus of my work so far in the Senate. I am pleased that my bill to ban unfunded federal mandates has received a great deal of support. The bill, S. 993, was approved in the Governmental Affairs Committee by a unanimous vote and will soon come to the floor for consideration by the full Senate. It currently has 57 co-sponsors.

I am also a co-sponsor of S. 560, the Paperwork Reduction Act of 1993, which would enhance the responsibility and accountability of federal agencies in carrying out paperwork reduction. Among other things, S. 560 would require a five percent government-wide paperwork reduction. This year, I had an opportunity to vote for an amendment offered by Senator Simpson to S. 4, the Competitiveness Act, that contained S. 560 in its entirety. Unfortunately, the amendment was tabled.

Your suggestion that the federal government reimburse local governments for the costs of meeting federal planning processes fits with my efforts to date, and I have asked my staff to look into it further. Thank you for contacting me. I appreciate having the benefit of your thoughts as I work to streamline the government, cut federal spending, and reduce the deficit.

Sincerely,

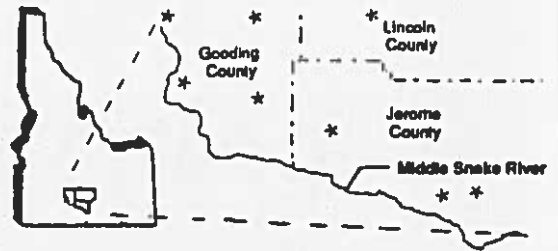


DIRK KEMPTHORNE
United States Senator

DK\jks

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

June 21, 1994

Dear Commissioners:

The North Side Canal Company and their attorney, Mr. John Rosholt has asked the Middle Snake Regional Water Resource Commission to arrange a meeting with the County Commissioners of our three Counties as well as the Commissioners of Twin Falls, Cassia and Minidoka Counties.

Mr. Rosholt wants to speak with the Commissioners concerning the Salmon flush, which is draining our upstream storage facilities, and where we are with conjunctive management.

Both of these issues are extremely important to our local economies, and the Salmon issue in particular could require legal action by the Counties.

Wednesday, June 29, 1994
7:30 p.m.
Jerome County Courthouse
Courtroom

Please plan to attend this most important meeting.

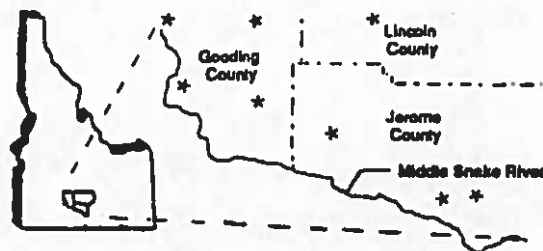
Sincerely,

Bob Muffley
Bob J. Muffley
Chairman

cc: Mr. Roshold
DeWitt Moss

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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



Chairman June 15, 1994
Bob Muffley
Vice Chairman
Fred Brossy
Committee
Dan Suhr The Honorable Dirk Kempthorn
Rick Thompson 401 2nd Street North
Roy Prescott Twin Falls, Idaho 83301

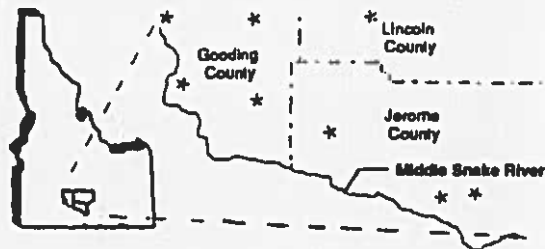
Dear Senator Kempthorn:

Attached is a letter of testimony that was sent to the U.S. Fish and Wildlife Service from this commission on May 23, 1994. We are sending you a copy of this testimony primarily because of Item Seven (7) on page 4.

The Counties are becoming more and more aggravated by the planning processes used by Federal agencies. This Commission is answering no less than four draft plans by Federal Agencies affecting the water and land uses within the Counties, and we had absolutely no input into the process. The 500 page books created by these agencies and labeled draft plans are absurd. Local people, who will be affected most by the final plan and resulting regulation, are given 60 to 90 days to read and understand the draft plans and make their comments. The County Commissioners and this Commission is fed up. The Counties are extremely busy in their own planning processes, but to protect the people they represent, they must drop everything to read and understand thousands of pages of draft plans from Federal agencies. The agencies are very kind, because they furnish a summary of the document. We have found through experience, however, that if we don't read the entire document with a magnifying glass, the local people and their local government find themselves on the short end of the stick. We hope that this was not the intent of Congress when they passed enabling legislation.

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

June 3, 1994

Dear Commissioners,

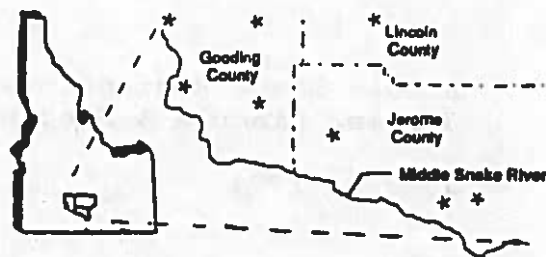
Enclosed is our Commissions written response to a proposed E. I. S. on the drawdown of Lower Granite Dam.

I apologize as we had only one copy of the plan and I was unable to read the 700 page document in time to allow you to read and give your comments. I will bring the document to our next meeting for your review. It's the strangest thing I've ever read. They seem to argue against all alternatives listed in the plan. It's obvious that they don't know how to save the Salmon. Our comments must be received by the Corp. on the 13th of June which is prior to our next meeting, so give me a call if you see something that needs to be changed.

Sincerely,

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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



Chairman June 3, 1994

Bob Muffley

Vice Chairman

Fred Brossy

Committee

Dan Suhr

Rick Thompson

Roy Prescott

Mr. Peter Poolman

Department of the Army

Walla Walla District, Corps of Engineers

Walla Walla, Washington 99362-9265

RE: Draft Biological draw down test and E.I.S. for Lower Snake River

Dear Mr. Poolman:

The Middle Snake Regional Water Resource Commission of Jerome, Lincoln and Gooding Counties in South Central Idaho has some serious concerns regarding your draft plan. Please regard the following, as the formal comments of the Counties making up this region and include these comments in the agencies record pertaining to this matter.

1. UNLISTED SPECIES:

It is our understanding that drawdown tests on the Lower Snake River and specifically the Lower Granite Dam are to ascertain the benefits of such a draw down on listed Salmon. There are several references within the draft to Steelhead which are not listed, and therefore, should not be mentioned along with listed Salmon in the plan. This goes beyond the authority of both lead agencies.

2. 3.3.2 IMPLEMENTATION PAGE 3-12:

This section mentions that inflow for the refill operation after the draw down would be available. If the required inflow would come from storage facilities in the Upper Snake River, the Counties would oppose such efforts. Our local economy is almost totally dependent on a sufficient supply of water for agriculture. If you anticipate using water from the Upper Snake facilities, it should be described in the draft plan and the economic impact to our area discussed.

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

June 3, 1994

3. 4.2.1 EFFECTS ON JUVENILE SALMONIDS, PAGE 4-12:

The third paragraph mentions the importance of flows in sustaining migration of juvenile Salmonids. This suggests that water from upstream storage facilities on the Snake River may be used to augment flows during migration. We have seen no evidence that flow augmentation through this means has had any kind of positive impact on the listed specie. On page 2-9 of the draft plan, your own agency comment confirms this. "The increase flow is presumed to help flush fish downriver." If flow augmentation or water budgeting has been going on since 1983, surely some kind of definite correlation between flow augmentation and Salmonoid survival could have been ascertained by now. If flow augmentation were any part of the answer, why have the listed Salmon continued to decline over the past 11 years?

4. FLOWS AND WATER VELOCITY, PAGE 4-18:

This section must have everyone confused. There is some kind of general consensus that flows and water velocity increase juvenile fish survival, but there is no hard evidence. The entire section is full of supposition. It becomes very evident to the reader that flow augmentation, which has been occurring for years, and the draw down at the Lower Granite Dam are nothing more than very expensive experiments, which will probably have little or no effect on the survival of the species.

5. CRISP AND PAM, PAGE 4-27:

This and other sections of the E. I. S. appear to argue in favor of the no action alternative. If transportation of the fish results in higher or similar survival rates, should your agencies be contemplating an unproven method that could result in higher mortality?

We also note that you assume a substantial impact to resident fish populations because of loss of breeding habitat, stranding and damage to food supply caused by a draw down. In our mind the damage to the existing ecosystem should be heavily weighted in the decision making process, and is a strong argument for the no action alternative.

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

June 3, 1994

6. OBSERVATIONS:

The Draft E.I.S. is full of supposition, and frankly, when we consider the track record of the agencies with regard to the Salmon recovery effort, we don't know if we can believe many of the hypothesis set forth in the document.

Many of this Commission's members were raised in this area and remember the tremendous Salmon runs in the Salmon River in the 50's and early 60's. The dams on the Lower Snake River were in place and Snake River flows were not augmented, yet the Salmon returned in great numbers. Did the dams have a long term impact on juvenile Salmon? probably, but we also believe that commercial fishing was a primary culprit by greatly reducing the number of returning Salmon year after year. If the United States and specifically the Northwest is serious about recovery, commercial fishing must be curtailed; and we must spent the dollars necessary to construct upstream collection facilities and a new conveyance system around the mainstream dams for juvenile fish. This proposal offers the best hope for Salmon recovery and would have the least impact on local economies in the Columbia and Snake River Basins.

7. LOCAL GOVERNMENT, PAGES 9-4 AND 9-5:

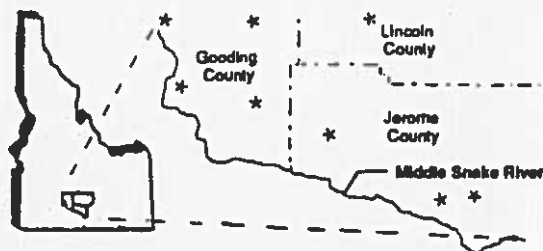
The MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION should be added under the local governmental distribution list.

Sincerely,

Bob J. Muffley
Chairman

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

May 30, 1994

Ridenbaugh Press
P O Box 2276
Boise, Idaho 83701

Dear Sir:

We would like to subscribe to the "Snake River Basin Adjudication Digest". Please start our subscription as soon as possible, and bill us at P O Box 267, Wendell, Idaho 83355.

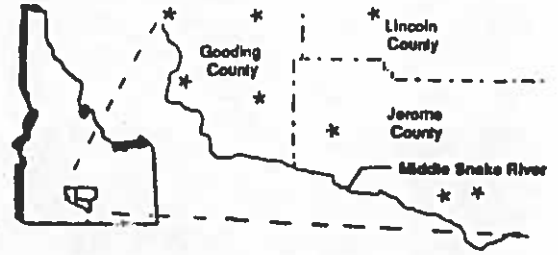
Thank you for your attention to this request.

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



May 23, 1994

Chairman

Bob Muffley

Vice Chairman

Fred Brossy

Committee

Dan Suhr

Rick Thompson

Roy Prescott

Charles H. Lobdell, State Supervisor
U.S. Fish & Wildlife Service
Ecological Services - Idaho State Office
4696 Overland Road, Room 576
Boise, Idaho 83705

Re: Draft Recovery Plan for Snake River Aquatic Species:

Dear Mr. Lobdell:

The Middle Snake Regional Water Resource Commission of Jerome, Lincoln and Gooding Counties has some serious concerns regarding your draft plan. Please regard the following, as the formal comments of the Counties making up this region and include these comments in the Agencies record pertaining to this matter.

1. Unlisted Species:

The Counties are concerned that recovery efforts may be expanded to other reaches of the Snake River, to try to avoid future listings of currently unlisted species. It was our understanding that the draft plan was written solely for recovery efforts of the five listed species. The way the plan is written, however, it's impossible to determine what parts of the recovery effort are to benefit the listed species and what will supposedly keep other species from becoming listed.

All inference to the recovery plan being expanded or used to avoid future listings of species, should be deleted, as it goes beyond the authority of the U.S.F.W. The plan must limit itself to the five listed species and their ecosystem.

2. Population and recovery time line:

We find nothing in the plan to indicate when recovery efforts for the listed species will be considered a success and the listing withdrawn. There must be some kind of yard stick. The Counties would like to see the total number of existing species, the historical number and the population that is necessary to remove each from the list, including an estimated time line for recovery.

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

May 23, 1994

Mr. Lobdell

U.S. Fish & wildlife Service

3. Protection of free flowing habitats (Draft plan, page 28):

Our commission agrees with your plan regarding the protection of the remaining free flowing reaches of the Snake River, between the American Falls and C.J. Strike Dams. We question your authority to protect this reach, however. We assume from reading the document, that you will work with other agencies to coordinate efforts under the Wild and Scenic Rivers Act.

4. Flow augmentation (Draft plan, page 28):

The Counties recognize that all flows in the Upper Snake River stop at Milner Dam. Your plan suggests that River Flows need to increase below Milner. We question where you will obtain the water for this increase. If you are talking about designated flood waters or water purchased from the rental pool we have no argument, but if you are talking about taking appropriated water including storage of those waters, the Counties would strongly oppose such efforts. The Counties are also concerned about the kinds of conservation techniques that may be used to augment river flows. People who live in the Snake River Basin understand the close relationship between our above ground and underground water resources. At first glance, it appears that a lot of our above ground water resources are wasted through the irrigation delivery systems. However, nothing could be further from the truth. Above ground water irrigation systems have been artificially recharging the aquifer since the early 1900's. Without this artificial recharge, many springs would have dried up years ago. Forcing conservation techniques on our canal companies and irrigators would be devastating to the spring flows returning to the Snake River, not to mention our local economy. There are about 120 private fish propagation facilities located on the springs, that produce about seventy million dollars in gross annual product.

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

May 23, 1994
Mr. Lobdell
U.S. Fish & wildlife Service

5. Ground Water Management Plan (Draft plan, page 28):

The development of a ground water management plan is a worthy goal and one that this Commission is working on, but the Counties will fight any attempt to do so at the Federal level. The Idaho Department of Water Resources has been ordered by an Idaho Court to develop a conjunctive management plan for the State's aboveground and underground water resources. This Commission is of the opinion that the I.D.W.R. is the proper authority for this process and will work with the department in developing a conjunctive management plan for the Snake River Basin.

6. Improve water quality in the Snake River (Draft plan, page 28):

Several properly authorized State and Federal Agencies are working on water quality planning for the Middle and Upper Snake River, and our Commission is working with those agencies at this time. My Commission believes that water quality is and will continue to be enhanced in the Snake River, but the enhancement may cause another problem. As the water is restored, more sunlight will reach the nutrient rich deposits in the river, causing an explosion in plant growth further depleting the river's already poor oxygen content. This Commission has heard testimony from several experts on water quality, that suggest the deposits in the river are so well established, it would take a flood to scour them out. Floods in the reaches of the river that we are concerned with simply won't happen. The only feasible alternative, even though expensive, is dredging the river.

Middle Snake Regional Water Resource Commission
Jerome, Lincoln & Gooding Counties

May 23, 1994
Mr. Lobdell
U.S. Fish & wildlife Service

7. Observation:

The Counties are concerned and even angry that plans are being developed by Federal Agencies with no input from local units of Government. The Counties have spent a great deal of time and money establishing both land use and water resource planning commissions, made up of knowledgeable and talented people. These Commissions spend much of their time planning for the proper management of the Counties resources and know more about these resources, as well as the customs and cultures of their people, than either State or Federal Agencies; and yet are rarely given the opportunity to participate in the development of draft plans at the Federal level. The Counties are of the opinion that this was not the intent of Congress when passing enabling legislation. Draft plans as well as final plans should be a coordinated effort between all levels of government. We have found that when local people take part in planning efforts, good things begin to happen. If left out of the process, they will fight or worse yet, ignore outside intervention and regulation. It may surprise you how ingenious the people in our area can be in finding solutions, once they understand the problem; but they demand and deserve to be active participants in the process.

Thank you for giving us the opportunity to review and comment on your draft plan. We hope that you will use these comments during the formulation of your final Recovery plan.

Sincerely,

Bob J. Muffley
Chairman

cc: Senator Larry Craig
Senator Dirk Kempthorn
Congressman Mike Crapo
Congressman Larry LaRocco



DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
WALLA WALLA, WASHINGTON 99362-9265

April 11, 1994

REPLY TO
ATTENTION OF:

Planning Division

Dear Interested Party:

Enclosed for your review and comment is the draft Lower Snake River Biological Drawdown Test Environmental Impact Statement (EIS). The preparation of the EIS was a cooperative effort between the U.S. Army Corps of Engineers (Corps), National Marine Fisheries Service (NMFS), and Bonneville Power Administration (BPA). The Corps and NMFS served as joint-lead agencies in the effort, while BPA was a cooperating agency.

This EIS was prepared in response to a need for data which measures the effects of increased water velocity on juvenile salmonid survival and travel time, and also for data measuring the effects of reservoir drawdown on upstream passage and survival of adult salmon, resident fish, wildlife, bottom-dwelling organisms, and water quality. This document describes different alternatives for a proposed drawdown test of the Lower Snake River reservoirs to improve migrating conditions for smolts during their migration period to the ocean. The preferred alternative has been identified as Option 3A: Spring 1996 Test, Powerhouse Operation.

The comment period for this document will begin April 29, 1994, (expected date of publication in the Federal Register) and will run through June 13, 1994, (45 day review). In order to meet the expedited implementation schedules of the alternatives, comments must be received by June 13, 1994.

Comments should be mailed to:

Department of the Army
Walla Walla District, Corps of
Engineers
Walla Walla, Washington 99362-9265
ATTN: Mr. Peter Poolman

Public hearings/workshops will be held at the following four locations in the region. These meetings will be held in conjunction with the System Configuration Study (SCS) public meetings. The reason these meetings are being combined are twofold: (1) to limit the number of meetings held in the region, and more importantly, (2) these two subjects are very closely related. One of the long-term structural alternatives to improving salmon migration conditions being evaluated under the SCS, is annual drawdowns of the lower Snake River reservoirs. All meetings will begin at 6 p.m. The dates and locations for these meetings are as follows:

Monday, May 16, 1994

Red Lion Downtowner
1800 Fairview
Boise, Idaho

Tuesday, May 17, 1994

Ramada Inn
621 21st Street
Lewiston, Idaho

Wednesday, May 18, 1994

Cavanaugh's
1101 N. Columbia Center Blvd.
Kennewick, Washington

Thursday, May 19, 1994

Red Lion Lloyd Center
1000 NE. Multnomah
Portland, Oregon

Public announcements will be made prior to these meetings which will provide additional information. If you have any questions about this document or need additional copies, please contact Mr. Peter Poolman at 509-522-6619 or Mr. Chris Hyland at 509-522-6927.

Sincerely,



James S. Weller
Lieutenant Colonel, Corps of Engineers
District Engineer

Enclosure



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

TO: THOSE ON THE MAILING LIST

FROM: R. KEITH HIGGINSON, DIRECTOR *RKH*

RE: TEMPORARY RULES FOR CONJUNCTIVE MANAGEMENT

DATE: APRIL 6, 1994

Enclosed is a copy of temporary rules for conjunctive management that have been adopted to provide a basis for IDWR to respond to "calls" if any are received this irrigation season. The rules will remain in effect for a maximum period of 189 days. The order adopting the temporary rules also extends the period for public comment on permanent rules until July 15, 1994. Promulgation of permanent rules will be aided by having more time to fully review recently passed legislation, recent court decisions and the comments received during the hearing process.

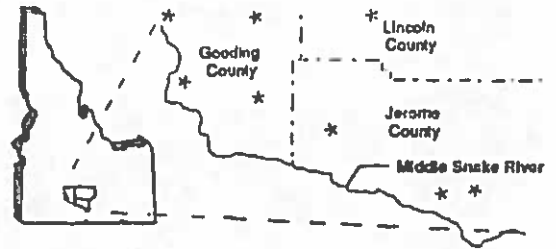
The temporary rules are based upon the draft rules and include revisions suggested by an ad hoc committee requested by the legislative resource committee chairmen. Issues of law are not defined in the rules and are left for future resolution.

Thank you for your interest in the management of Idaho's water resources. I will endeavor to keep you informed as the permanent rules are developed and promulgated.

MAILING LIST: Advisory committee members
Resource committee members
Attorneys serving on Terry Uhling's committee
Mailing list for rules adoption

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

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



April 5, 1994

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

Mike Pepper
Region IV Recreation Forum
P.O. Box 289
Jerome, Idaho 83338

Dear Mr. Pepper:

Thank you for your letter of April 4, 1994 concerning the Middle Snake Access Committee. My commission has appointed Commissioner Dan Suhr, 145 1st Avenue East, Jerome, Idaho 83338 to represent the Middle Snake Regional Water Resource Commission on your committee. I forwarded your communication to him and ask that all future correspondence be forwarded to his address.

We look forward to working on your committee through Mr. Suhr as we believe there are many opportunities in the Middle Snake reach, but planning is essential.

Sincerely,

Bob J. Muffley

BJM/jm

April 5, 1994

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

Re: Draft Nutrient Management Plan

Dear Ms. Traxler:

My Commissioners read your draft nutrient management plan and made their comments at our Commission meeting on March 17th. I apologize for being so tardy in relaying those comments, but we've been mired down in issues concerning conjunctive management and adjudication. Both very important issues to our region. Your plan is important as well and yes my commissioners, as usual, pulled no punches.

OBJECTION #1:

The draft plan is not user friendly. It's long, boring and in order to discover all the important points, one must read the entire document.

SUGGESTED FORMAT:

Page 3 of the draft indicates your goals and a strategy. We believe that the plan is full of goals, objectives and strategies, but they aren't listed as such. The plan should be made as easy for the reader as possible. He or she should be able to clearly understand the direction that the D.E.Q. is going with regard to our water quality problems in the first few pages of the report. We suggest, therefore, that you list your overall goals, objectives and strategies and then outline others for each of the various user groups, as well as for your dealings with other government agencies. Goals, objectives and strategies can be created from those areas found on pages 70, 71, 72, 77, 78, and areas specific to industries on pages 81-89. A similar format could be used for the section discussing "coordinating activities" on pages 90-100 and for "public outreach" on pages 100-102. The outline of goals, objectives and strategies should have sufficient content to give the reader a clear understanding, yet be short and to the point. It's not the length of a plan that makes it good, but the content and ease of understanding.



IDAHO POWER COMPANY
P.O. BOX 70
BOISE, IDAHO 83707

*Sent letter appointing
Fred Brassy on
4-29-94*

March 24, 1994

Mr. Bob Muffley
Middle Snake River Water Resource Commission
122 5th Ave. West
Gooding, ID 83330

Dear Mr. Muffley,

I am writing to invite your organization to participate in the preparation of Idaho Power's 1995 Integrated Resource Plan (IRP). The purpose of the IRP is to guide the acquisition of new power resources needed to meet the forecasted growth of customer electricity demand over the coming 20 years.

The Integrated Resource Plan is produced on a biennial basis. It is called "integrated" because both new generating resources as well as demand-side resources, such as customer energy efficiency improvements, are evaluated. The IRP also meets regulatory requirements for our planning process, including consideration of the environmental impacts of resources, risk analysis and public involvement in the planning process. A copy of our 1993 IRP is enclosed for your information.

Your organization can participate in the 1995 IRP process by nominating a representative for membership on our Technical Advisory Panel (TAP). The TAP will meet approximately five times during the coming year to hear progress on the plan development and provide input which will be used to insure that the plan is responsive to the needs and concerns of our customers and society at large.

Enclosed is a tentative schedule showing TAP meeting dates. Each meeting will last approximately five hours and will start at 10:00 am to allow out-of-town members to travel in the morning. Idaho Power will provide a working lunch at the noon break.

The agenda for a typical meeting includes presentations and status reports from Idaho Power employees or others, group discussion of planning issues and contributions from the TAP members. We intend to give greatest emphasis to the discussion of issues and input from TAP.

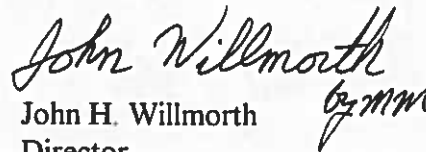
The first TAP meeting for the 1995 IRP will be held on:

Tuesday, April 26 from 10:00 am - 3:30 pm
at the Idaho Power Corporate Headquarters Building
1221 W. Idaho Street, Boise, Idaho.

We will mail out the agenda and preparation materials to all TAP members approximately 10 days in advance of the meeting. At this first meeting, Idaho Power will present an update on the action items identified in the 1993 IRP. Discussion will also focus on the methodology to be used for developing the 1995 plan as well as input from the TAP members on resources that should be considered and issues that need to be addressed to best serve the public interest.

I hope you will be able to join us in this planning process. You can let us know by writing to me at the Idaho Power Corporate Headquarters address provided on the previous page. Please include the name, mailing address and telephone number of your representative to TAP. You could also let us know by calling Mark Murray at (208) 383-2801. Mark can answer any other questions you might have about the process. I trust that your participation, while providing a valuable service to Idaho Power, will also serve your organization's interest in future integrated resource options for Idaho Power's service territory.

Sincerely,

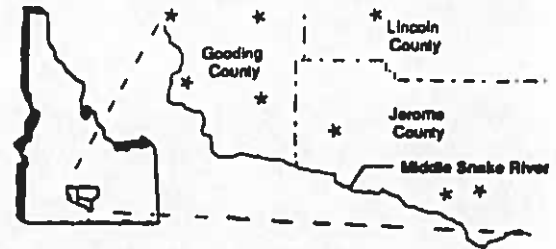
A handwritten signature in cursive script that reads "John Willmorth". To the right of the signature, there are initials "JH" and "MM" written in a smaller, more stylized cursive.

John H. Willmorth
Director
Resource Planning

JHW/rlb
encl

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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



March 22, 1994

Chairman

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

R. Keith Higginson, Director
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702-9000

Re: Testimony on final draft of rules for conjunctive management of surface and groundwater.

Dear Mr. Higginson:

The Counties of Jerome, Lincoln and Gooding find themselves in the position of representing surface and spring water users as well as ground water pumpers. They also represent some of the oldest water rights in the Snake River Basin, as well as some of the most junior. For these reasons, the Counties, through the Middle Snake Regional Water Resource Commission, have been forced to carefully review the proposed conjunctive management rules to try to determine the possible impact on our local economy. Millions of dollars are pumped into our economy by surface, spring, and ground water users, and a negative impact on any of these groups could be devastating. In light of the recent Supreme Court ruling, it appears at this time, that the user group most at risk are our ground water pumpers.

There are a great many specifics within the proposed rule that we could address, but the specifics can best be addressed by the various users and user groups. Instead, we prefer to discuss the issue in the more general terms.

It became apparent to the Counties about three years ago that the constitutional provision of "first in time is first in right" was on a collision course with State code that calls for the full economic development of underground water resources. The collision occurred last year when a call for water was made at the Kern Tunnel in the Hagerman Valley. The district court was forced to recognize the primacy of "first in time is first in right" in State water law and thus ordered the Department to create rules for the conjunctive management of interrelated aboveground and underground water resources. This ruling was recently affirmed by the Idaho Supreme Court. It is apparent to my commission that a senior right holder is now in a position to shut off pumpers throughout the Snake River Basin with devastating results to our region as well as to the State's economy. Did the courts error in their decision? We think not. The mistake was made many years ago when everyone

March 22, 1994
R. Keith Higginson, Director
Idaho Department of Water Resources

believed that our groundwater supply was limitless and permits were issued with very little scientific data as to the interrelationship between our aboveground and underground water resources and the ability of the aquifer to replenish itself. Presently there are studies underway that, within a few years, should shed more light on the situation and allow for a more scientific approach to managing our finite water resources. Until that time, some emergency steps will need to be taken that may or may not be temporary in scope.

Full Economic Development:

Until studies of the aquifer are complete and the information is assimilated into a course of action, it must be assumed that we have reached, and possibly surpassed, full economic development of our underground water resource. Present moratoriums on new agricultural ground water permits must remain in place; transfers of groundwater permits should be disallowed or, at a minimum, closely scrutinized by the Department for the possible effect of that transfer on the local groundwater table and senior right holders; and finally, outstanding unimproved groundwater permits should be canceled. The Counties also find nothing in the plan that addresses supplemental groundwater permits held by senior users. We assume that these permits will be handled the same as other groundwater pumpers.

Reasonably Anticipated Average Rate of Future Natural Recharge:

The Counties are concerned that reliance on this formula for determining the amount of water available for pumping may not portray an accurate picture of the workings of the aquifer. We don't doubt that the rate of future recharge can be estimated, and pumping allowed to that extent, but we do question the value of this broad brush approach, when we are still trying to figure out how the aquifer works. Pumping rates based on this formula may work well for some areas of the aquifer, but create negative results for others. Another factor may need to be added to this approach. The historic average flows for our many springs should be subtracted from the total RAARFNR when determining the amount of water available for pumping. Adding this factor to the formula may give a much clearer picture of how much water is actually available to junior pumpers. The Counties also believe that, eventually, the Department will be forced to establish a reasonable groundwater pumping level for the basin. One of the factors that must be considered in determining this level would be the level required to satisfy senior holders of spring flows.

March 22, 1994
R. Keith Higginson, Director
Idaho Department of Water Resources

Much of the balance of the plan appears to be simply informational and should be separated and placed after the sections and page numbers described above. The "description of the watershed" and "description of the hydrologic system" sections however, should be inserted after the enlarged goals, objectives and strategy section, and before the portions of the plan pertaining to those goals, objectives and strategies.

OBJECTION #2:

Some areas of the plan use words that are unfamiliar to the general public and are not found in the glossary. We suggest that a lay person read the document to locate these words. They should then be replaced by words more known by the general public or a brief description inserted. Words which must be defined in the glossary should be kept to a minimum as no one wants to continually flip back and forth to the glossary.

OBJECTION #3:

"flow augmentation" and "recommendations" found on pages 70-72. The Middle Snake Regional Water Resource Commission and the Counties within the region recognize that all water in the River stops above Milner Dam. The counties will fight any attempt to augment flows below Milner unless those waters are designated as flood waters or waters purchased from the rental pool.

OBJECTION #4:

There is no mechanism for enforcement described within the plan. When the planning process began, one of the criteria for the participants was to develop such a mechanism. This was not done within the industry plans nor are any such mechanisms found in this document.

Thank you for allowing us to comment on the draft plan. I'm sorry some of our comments are blunt, but you wouldn't want us to show favoritism. Good luck in the rewrite and please let me know if we can be of further assistance.

Sincerely,

Bob J. Muffley
Chairman



DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
WALLA WALLA, WASHINGTON 99362-9265

March 16, 1994

REPLY TO
ATTENTION OF

Operations Division

SUBJECT: NPW No. 071-0YC-4-004894

Mr. Stephen M. Harmsen
Cogeneration, Incorporated
350 South 400 East, #G-1
Salt Lake City, Utah 84111

Dear Mr. Harmsen:

This is in regard to your application for a Department of the Army permit, dated October 15, 1991 for the proposed Auger Falls Hydroelectric Project (FERC No. 4797) on the Snake River near Twin Falls, Idaho. On March 15, 1994, we received the Proposed Water Quality No Impact Level Determination report, dated March 1994, submitted on your behalf by Dr. C.E. Brockway on March 11, 1994.

In Dr. Brockway's March 11, 1994 letter, he states that I indicated in our February 23, 1994 meeting that we would begin review of the draft report submitted at this meeting and would provide a response to the final report within a week after receiving it. As stated in our March 11, 1994 letter to you, we agreed to review and provide comments within 2 to 3 weeks of the date we receive the final report. Based on this, we are beginning our review of the final report received on March 15, 1994 and will provide our comments to you by April 5, 1994.

Please contact me at 509-522-6724 with regard to any questions you may have in this matter.

Sincerely,

A handwritten signature in cursive script that reads "A. Bradley Daly".

A. Bradley Daly
Chief, Regulatory Branch

Copies Furnished:

Dr. C.E. Brockway
Brockway Engineering
706 Sunrise Boulevard North
Twin Falls, Idaho 83301

MAR 21 1994



DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
WALLA WALLA, WASHINGTON 99362-9265

March 11, 1994

REPLY TO
ATTENTION OF

Operations Division

SUBJECT: NPW No. 071-0YC-4-004894

Mr. Stephen M. Harmsen
Cogeneration, Incorporated
350 South 400 East, #G-1
Salt Lake City, Utah 84111

Dear Mr. Harmsen:

This is in regard to your application for a Department of the Army permit dated October 15, 1991 for the proposed Auger Falls Hydroelectric Project (FERC No. 4797) on the Snake River near Twin Falls, Idaho. On February 23, 1994, Mr. Brad Daly and Mr. Tom Miller of my staff met with you to discuss your proposed approach to establishing NILs for the operation of the proposed project.

At this meeting, you presented a draft report partially describing the approach you propose to establish NILs. Based on this, we indicated that we agreed conceptually with your approach. We also agreed to review and provide comments within 2 to 3 weeks of the date we receive your final report.

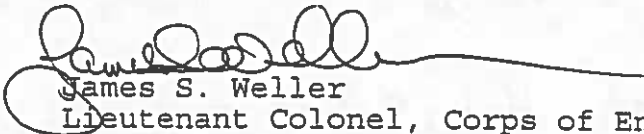
We are willing to continue to work with you in your efforts to collect additional water quality information and to develop a process to establish NILs for the project. However, in order to avoid any possible misunderstanding, I would like to reiterate my position regarding our processing of your permit application. On December 30, 1993, the Idaho Division of Environmental Quality (DEQ) issued a notice of their intent to revoke water quality certification for the project. In their December 30, 1993 letter to me, they requested that I suspend processing of the permit or deny the permit.

Based on this, I informed you in my January 11, 1994 letter of my decision to suspend processing of your permit application until this matter was resolved. It is my understanding that you have had discussions with DEQ in an effort to resolve the water quality certification issue. However, we have been informed by DEQ that their position concerning their request that we suspend processing remains unchanged. Therefore, we will continue the suspension of the processing of your application until we receive written notification from DEQ that their concerns are resolved.

MAR 17 1994

Please contact Mr. Daly of my Regulatory Branch at 509-522-6724 with regard to any questions you may have in this matter.

Sincerely,


James S. Weller
Lieutenant Colonel, Corps of Engineers
District Engineer

Copies Furnished:

Mr. R. Tim Litke
Idaho Division of Environmental Quality
601 Pole Line Road
Twin Falls, Idaho 83301-3035

Mr. Kevin Beaton
Idaho Division of Environmental Quality
1410 North Hilton
Boise, Idaho 83706

Mr. John Olson
Environmental Protection Agency
422 West Washington
Boise, Idaho 83702-5998

Ms. Alison Beck Haas
U.S. Fish and Wildlife Service
Division of Ecological Services
4696 Overland Road, Room 576
Boise, Idaho 83705-2890

Mr. Terry Blau
Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301-6104

Mr. Don McNarie
Idaho Department of Lands
1215 West State Street
Boise, Idaho 83720

MAR 17 1994

Copies Furnished: (Cont'd)

✓ Mr. Art Brown
Jerome County Planning and Zoning Administration
P.O. Box 27
Jerome, Idaho 83338

ATTN: Missy Guisto
Senator Larry E. Craig
304 North 8th Street, Room 149
Boise, Idaho 83702

Mr. George L. Smith
P.O. Box 51016
Idaho Falls, Idaho 83405

Mr. J. Mark Robinson
Federal Energy Regulatory Commission
825 North Capitol Street NE., Room 308RB
Washington, DC 20426

MAR 17 199

March 3, 1994

The Honorable Pattie Nafzinger
Idaho State Representative
996 E. River Park Lane
Boise, Idaho 83706

Dear Pattie,

I am writing to ask for your support of House Bill 658 which is being introduced by Representative Bruce Newcomb. To me, its a travesty that farmers who are accepting payment from the Federal Government to withdraw their land from production are allowed by the State to lease their water rights so new ground can be brought under production. The purpose of the set-aside program is to reduce an oversupply or to withdraw lands from production that are considered highly erodible. The program can't work, however, if the farmers turn around and lease their water which ends up on other highly erodible land and continues to produce surplus crops. There is something wrong with this picture. The tax payer is being hoodwinked. I understand that there is a question concerning the constitutionality of this legislation, but I ask that you work with Bruce to help him overcome the constitutional question.

Sincerely,

Bob Muffley
Chairman

March 3, 1994

Dear County Commissioners:

I am writing this letter to let you know that I was badly misquoted by a reporter for the Gooding County Leader and have asked them to print a correction in next weeks paper. I'm not sure where the reporter was, but apparently she wasn't in the same room with me.

The paper quotes me as saying that I advocate cutting pumping by 30 percent. What I said was "pumpers represent about 30 percent to our total agricultural product" and went on to give several examples of how junior pumpers could mitigate the loss of water to senior right holders.

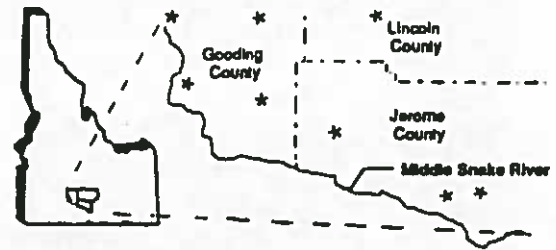
This misquote could damage the reputation of the Regional Commission, but please be assured I'm doing everything I can to correct the situation.

Sincerely,

Bob J. Muffley
Chairman

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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



March 3, 1994

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

Dear County Commissioners:

So many things have been happening that we thought you should be updated.

Last month it appeared that the Bureau of Reclamation was going to take up to 1,000,000 acre feet of water from our upstream storage facilities for a salmon flush. Based on this Bureau action, the Counties approved resolutions to seek a legal remedy. The Northside and Twin Falls Canal Companies voted to do the same. The Bureau, possibly because of the threatened litigation, announced last week that they would only take water for the salmon flush that could be purchased or rented from the rental pool. If, after a few years, they find that they can't obtain sufficient water, they will again consider taking water from our storage facilities. Their decision appears to negate the need for legal action at this time, but the commission will continue to closely monitor the situation.

The Idaho Department of Water resources completed their work on a conjunctive management plan. The plan, as written, tends to discount the constitutional language of "first in time is first in right" in favor of the legislative language of "full economic development". This commission has always recognized the primacy of "first in time is first in right" and recognize the need for mitigation plans by junior pumpers and in the absence of such plans, the curtailment of pumping. Today the Idaho Supreme Court agreed with our position. Their decision, however, could have serious ramifications for our counties and our local economy. Pumpers have been unable or unwilling to get together to formulate mitigation plans to insure the rights of senior holders. Perhaps this ruling will give them the motivation they need to finally do so. If they don't and pumps are turned off, our economy will be hit hard. This commission is working with canal companies, spring right holders and pumpers to work out a mitigation plan that everyone can live with and will get the job done. We can't emphasize enough how important this is to the counties.

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

County Commissioners
March 3, 1994
Page 2

The Bureau of Reclamation has been ordered by a Federal Court in California to prepare an environmental Impact Statement concerning their operations of storage facilities in the 17 Western states. One of the most important elements and the one that could have a devastating effect on our counties is water conservation. The court wants the Bureau to force conservation by the water users in order to keep more water in the rivers. Your water commission testified at a little known scoping meeting in Boise, sponsored by the Bureau on this matter. We informed the Hearing Panel that the Snake River plain aquifer is unlike other areas in the Western U.S. and must be considered separately. We explained the inter-connection of our above ground and underground water resources and stated that if the Bureau forced our canals to conserve water by lining their systems and if that conservation damaged our economy, that the counties would be forced to consider legal action. The Bureau hopes to have a draft E.I.S. completed by the end of this year and we will try to stay on top if it.

Efforts are still underway to put together a demonstration aquifer recharge attempt, but time is short and it's doubtful if it will happen this spring. The commission fully supports this effort as it could lead to a meaningful future mitigation plan.

The Division of Environmental Quality has completed a draft water quality plan for the Middle Snake. The plan includes plans of the various water users in the region. The plan appears to be pretty good, but it suggests that more water in the Middle Snake Reach would hasten the restoration of water quality. The Counties' plan recognizes that all water stops at Milner and we would continue to oppose the release of water from upstream storage except for flood control or the purchase of water from the rental pool. Neither D.E.Q. nor the industries include any attempt at local enforcement within their planning documents. The Commission believes this to be a tactical error on the part of our local agricultural community. They are leaving the door open to the creation of rules based on the industry plans and enforcement by the State or Feds. Rules created by outsiders may not be in the best interest of our local industries or the Counties. The Clean Water Act is up for extension by Congress this year and it appears that there will be a concerted effort by some members of Congress to include non-point discharges under the legislation. This, in and of itself, could have far reaching ramifications and makes provisions for local enforcement even more important to the economic well being of the Counties. The Counties should ask our Congressmen and Senators to try to include provisions in the law for local enforcement through commissions for the various user groups.

County Commissioners

March 3, 1994

Page 3

You can see that the Commission has been extremely busy and it seem that more is being thrown at us every day. The task has become impossible for six commissioners to keep up with. Because of this, the commissioners passed a motion at our last meeting to add one more member from each of the Counties or in leu of that, we ask that the County Commissioners contact the Commissioners of Cassia and Minidoka Counties and ask them to become part of our regional effort. Our commission would be glad to attend a meeting with those Commissioners to tell them what we are about and how we could help them deal with the water issues of today and tomorrow. In any case, we need more dedicated members. Members who are willing to work and even travel with little or no compensation. Members who do it because it needs to be done.

The Commission thank you for your continued support and look forward to hearing from you.

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

February 8, 1994

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

Dear Mr. Muffley:

As indicated at the committee meeting in Burley on February 1, proposed rules for conjunctive management of surface and ground water were filed with the Rules Coordinator on February 7, 1994.

Enclosed is a copy of the proposed rules as they were provided to the Rules Coordinator. We expect that they may appear in a slightly different format when reproduced by that office but should contain the identical information.

With the publication of proposed rules we have announced our intent to conduct hearings throughout the state on March 24 and 25. Further information on these hearings will be published with the notice of rule making. Prior to the hearings we may schedule information meetings to answer questions from the public.

I want to again thank the members of the Advisory Committee for your help and input to this process. You have let me know how you feel about the various drafts of rules and have raised the kinds of questions and objections which I had expected given the diversity of representation.

I wish that circumstances had allowed for a more leisurely process leading to rules. However, this was not possible given the court's writ of mandate. If that decision is reversed, we will reconsider the decision to move ahead with the present draft. We may ask the committee to reconvene at that time for further discussion of the issue.

Thank you again for your help.

Sincerely,

R. KEITH HIGGINSON
Director

RKH:dc
Enclosure: Draft Rules

January 26, 1994

Art Brown
P & Z Administrator
P O Box 27
Jerome, Idaho 83338

Dear Mr. Brown:

Thank you for notifying this Commission of the public hearing for Canyon Springs Fish. Mr. Dan Suhr of this commission did some research on the matter and found no objections with the proposed pipeline to carry permitted water from Alpheus Creek to the Twin Falls side of the Snake River. We assume that your permit will be issued on the condition that pipe line construction standards will be such that no contaminants or sediments will be allowed to enter either the creek or the Snake River.

Sincerely,

Bob Muffley
Chairman

RESOLUTION NO. 94-4

STATEMENT OF POLICY

WHEREAS, The Commissioners of JEROME County recognize that water is our most important resource and further understand that the Counties agricultural economy is totally dependent on the availability of that resource, approve the following statement of policy; and,

THEREFORE BE IT HEREBY RESOLVED, IT SHALL BE THE POLICY OF THE COUNTY OF JEROME TO OPPOSE THE RELEASE OF WATER FROM UPSTREAM STORAGE FACILITIES ON THE SNAKE RIVER BY THE BUREAU OF RECLAMATION OF THE DEPARTMENT OF THE INTERIOR FOR USE IN FLUSHING SALMON SMOLTS TO THE PACIFIC OCEAN. THE COUNTY RECOGNIZES THAT THERE HAS BEEN NO ENVIRONMENTAL AND ECONOMIC IMPACT STATEMENT CREATED BY THE BUREAU OF RECLAMATION PRIOR TO RELEASING WATER FROM UPSTREAM STORAGE FOR THE PURPOSE OF DETERMINING THE POSSIBLE IMPACT OF SUCH RELEASE ON THE PEOPLE OF THE MIDDLE SNAKE REGION. TO INSURE THAT THE IMPACT ON THE PEOPLE AND THE ECONOMY OF THIS COUNTY HAVE BEEN PROPERLY CONSIDERED, THE COUNTY AND ITS REPRESENTATIVE, THE MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION MAY TAKE COURT ACTION TO PREVENT FURTHER RELEASES OF STORAGE WATER FROM THE SNAKE RIVER UNTIL AN ENVIRONMENTAL AND ECONOMIC IMPACT STATEMENT HAS BEEN COMPLETED BY THE BUREAU OR DEPARTMENT. THE STATEMENT MUST PROPERLY ADDRESS THE ECONOMY AND SOCIAL CONCERNS OF THE PEOPLE OF THIS COUNTY.

Date Approved 1/2/68

Jerry Ridley
Jerry Ridley, Chairman
Jerome County Commissioners

Donald Petersen
Donald Petersen, Commissioner

Veronica Lierman
Veronica Lierman, Commissioner

ATTEST:

Cheryl Watts
Cheryl Watts, Clerk

State of Idaho }
County of Jerome }

I hereby certify the foregoing to be a full, true and correct copy of the original on file in the above entitled action.
Cheryl Watts
Clerk of the District Court

January 31, 1994
Deputy
Date

STATEMENT OF POLICY

The commissioners of Lincoln County recognize that water is our most important resource and further understand that the Counties agricultural economy is totally dependent on the availability of that resource, approve the following statement of policy:

IT SHALL BE THE POLICY OF THE COUNTY OF _____ TO OPPOSE THE RELEASE OF WATER FROM UPSTREAM STORAGE FACILITIES ON THE SNAKE RIVER BY THE BUREAU OF RECLAMATION OF THE DEPARTMENT OF THE INTERIOR FOR USE IN FLUSHING SALMON SMOLTS TO THE PACIFIC OCEAN. THE COUNTY RECOGNIZES THAT THERE HAS BEEN NO ENVIRONMENTAL AND ECONOMIC IMPACT STATEMENT CREATED BY THE BUREAU OF RECLAMATION PRIOR TO RELEASING WATER FROM UPSTREAM STORAGE FOR THE PURPOSE OF DETERMINING THE POSSIBLE IMPACT OF SUCH RELEASE ON THE PEOPLE OF THE MIDDLE SNAKE REGION. TO INSURE THAT THE IMPACT ON THE PEOPLE AND THE ECONOMY OF THIS COUNTY HAVE BEEN PROPERLY CONSIDERED, THE COUNTY AND ITS REPRESENTATIVE, THE MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION SHALL TAKE COURT ACTION TO PREVENT FURTHER RELEASES OF STORAGE WATER FROM THE SNAKE RIVER UNTIL AN ENVIRONMENTAL AND ECONOMIC IMPACT STATEMENT HAS BEEN COMPLETED BY THE BUREAU OR DEPARTMENT. THE STATEMENT MUST PROPERLY ADDRESS THE ECONOMY AND SOCIAL CONCERNS OF THE PEOPLE OF THIS COUNTY.

Date approved Jan 27 1994

Jerry Vance
Chairman, Lincoln County
Board of Commissioners

STATEMENT OF POLICY

The Commissioners of Lewis County recognize that water is our most important resource and are aware that the underground water resources in our County have been gradually declining since 1950. We also recognize that in order to minimize the economic cost to our citizens for deepening wells or augmenting spring flows by drilling new wells, aquifer recharge may be necessary. For these reasons the Commissioners approve the following Statement of Policy:

IT SHALL BE THE POLICY OF THE COUNTY OF Lewis TO SUPPORT EFFORTS BY INDIVIDUALS, GROUPS AND ORGANIZATIONS TO ESTABLISH DEMONSTRATION OR ONGOING AQUIFER RECHARGE PROJECTS WITHIN THE REGION. WATER USED FOR RECHARGE SHALL NOT IMPACT STORAGE WATERS OWNED BY ABOVE GROUND WATER IRRIGATORS IN UPSTREAM STORAGE FACILITIES OR INCLUDE WATERS RELEASED FROM UPSTREAM RESERVOIRS AS PART OF THE SALMON RECOVERY EFFORTS.

DATE APPROVED

Jan 27 1994

Jerry Neuse
Chairman, Lewis County Board
of Commissioners



RESOLUTION NO. 94- 3

WHEREAS, The Commissioners of Jerome County recognize that water is our most important resource and are aware that the underground water resources in our County have been gradually declining since 1950. We also recognize that in order to minimize the economic cost to our citizens for deepening wells or augmenting spring flows by drilling new wells, aquifer recharge may be necessary. For these reasons the Commissioners approve the following Statement of Policy; and,

THEREFORE BE IS HEREBY RESOLVED, IT SHALL BE THE POLICY OF THE COUNTY OF JEROME TO SUPPORT EFFORTS BY INDIVIDUALS, GROUPS AND ORGANIZATIONS TO ESTABLISH DEMONSTRATION OR ONGOING AQUIFER RECHARGE PROJECTS WITHIN THE REGION. WATER USED FOR RECHARGE SHALL NOT IMPACT STORAGE WATERS OWNED BY ABOVE GROUND WATER IRRIGATORS IN UPSTREAM STORAGE FACILITIES OR INCLUDE WATERS RELEASED FROM UPSTREAM RESERVOIRS AS PART OF THE SALMON RECOVERY EFFORTS.

DATE APPROVED 1/31/94

Jerry Ridley
Jerry Ridley, Chairman
Jerome County Commissioners

Donald Petersen
Donald Petersen, Commissioner

Veronica Lierman
Veronica Lierman, Commissioner

ATTEST:

Cheryl Watts
Cheryl Watts, Clerk

State of Idaho }
County of Jerome }

I hereby certify the foregoing to be a full, true and correct copy of the original on file in the above entitled action.

Cheryl Watts
Clerk of the District Court

January 31, 1994
Date: Deputy

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DISCUSSION OF RECHARGE ISSUE

Your Regional Water Resource Commission has been asked to support aquifer recharge efforts for our region. Any such effort requires a great deal of coordination between individuals, groups, organizations, and State and Federal agencies. This Commission would help with that coordination. The water Commissioners feel it is important, however, that irrigators storage water not be tapped as a source of water for recharge. We also would not want waters used by the Bureau of Reclamation for the Salmon flush to be considered as a source of recharge water as it could be considered that the counties are approving that use. The policy, as written, precludes this from happening.

The Water Commissioner see no down side to this issue as recharge efforts in other parts of the country have been very successful. If water for recharge can be found it should benefit all users of our underground resources. We also find that there will be no impact to the budgets of the three counties.

January 26, 1994

Dear Commissioners:

You are aware that the Middle Snake Regional Water Resource Commission has been working on many tough issues over these last few months. We finally reached the point in time when specific policy on two of those issues must be adopted by the County Commissioners before we can proceed.

Attached is a statement of policy addressing aquifer recharge efforts and another concerning the water releases by the Bureau of Reclamation for Salmon recovery. Also attached to each policy statement is a brief discussion of the impact of each proposed policy. We hope these discussion points are of benefit to you in your deliberation. If you have further questions regarding these issues, please contact your local water commissioners.

I'm afraid time is of the essence with both of these issues and we ask that they be voted upon at your next regularly scheduled meeting. I would also ask that you notify your local representative with the results of your vote. If your vote is positive for one or both of these issues, please date and sign the statements of policy and return a copy of the document to our executive director, Mary Wofford.

Sincerely,

Bob Muffley
Chairman

DISCUSSION POINTS FOR SALMON FLUSH FLOW

Your Regional Water Resource Commission has been wrestling with the salmon flush issue for several months. We have discussed the issue with Jim Jones who believes the counties could have a cause of action against the Bureau of Reclamation. We have also spoken with various groups and organizations that appear to be very supportive for such an effort. The Water Resource Commissioners see both an up and down side to a court action with the bureau.

The up side:

1. The Bureau is attempting to take complete control of storage waters in upstream reservoirs and are releasing water per an agreement with another federal agency, the U.S. Fish and Wildlife Service. Both the Bureau and the Service are acting without an approved environmental impact statement (E.I.S.). There is a proposed statement, but it's our understanding that it doesn't address the social or economic concerns of the Middle Snake Region. Court action could force the Bureau and the Service to address our peoples' concerns on this issue and possibly require a separate E.I.S. for our region.
2. The Bureau could be restrained from releasing water from upstream storage facilities until an E.I.S. is approved.
3. This action would be extremely high profile and the Counties would be recognized as players in the salmon issue. Counties would probably have the full support of the public and especially organized agriculture. Some environmental groups are also less than enthused about the salmon flush method of restoring the specie.
4. Farm Organization and other groups would, most likely give monetary support to help defray the cost of going to court.

The down side:

1. The estimated cost of the court action is between \$50,000 and \$70,000 and legal council, we recommend Jim Jones, must be retained by the Counties through the Middle Snake Regional Water Resource Commission.

DISCUSSION POINTS FOR SALMON FLUSH FLOW page 2

2. There are many possible sources of donated funds to cover the cost of this action, but it would take a great deal of time to reach these funding sources. Court action MUST BEGIN WITHIN THE NEXT 45 DAYS and the attorney needs time to prepare. The Counties must retain Council and then seek to collect funds.

3. It is assumed that individuals, groups and organizations will donate, but if no money is forthcoming the Counties would be required to pay the cost. If the cost of legal action is \$50,000 Gooding and Jerome Counties would each be responsible for \$20,000 and Lincoln County for \$10,000. We may be able to negotiate the attorney fees so that part of the cost would be delayed until next years budget beginning October 1st.

4. The counties could lose the case and expenses for attorney fees would be lost. The Bureau could continue to release water with impunity unless the State initiates action on state supremacy over its water resources.

We submit the attached statement of policy for your consideration. If the three counties agree to take court action on this issue each county must sign the statement of policy which allows our commission to contact Mr. Jones and set up a meeting with the county commissioners, our commission and others. The clock would start regarding attorney fees at that time, so in order to get the best bang for the buck we would schedule a press conference in conjunction with that meeting.

Please bring this matter to a vote at your next meeting and advise me of your actions.

Sincerely,

Bob Muffley
Chairman

DISCUSSION OF RECHARGE ISSUE

Your Regional Water Resource Commission has been asked to support aquifer recharge efforts for our region. Any such effort requires a great deal of coordination between individuals, groups, organizations, and State and Federal agencies. This Commission would help with that coordination. The water Commissioners feel it is important, however, that irrigators storage water not be tapped as a source of water for recharge. We also would not want waters used by the Bureau of Reclamation for the Salmon flush to be considered as a source of recharge water as it could be considered that the counties are approving that use. The policy, as written, precludes this from happening.

The Water Commissioner see no down side to this issue as recharge efforts in other parts of the country have been very successful. If water for recharge can be found it should benefit all users of our underground resources. We also find that there will be no impact to the budgets of the three counties.



DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
WALLA WALLA, WASHINGTON 99362-9265

January 21, 1994

REPLY TO
ATTENTION OF:
Operations Division

SUBJECT: NPW No. 071-0YC-4-004894

Mr. Stephen M. Harmsen
Cogeneration, Incorporated
350 South 400 East, #G-1
Salt Lake City, Utah 84111

Dear Mr. Harmsen:

This is in regard to our January 11, 1994 letter concerning your application for a Department of the Army permit for the proposed Auger Falls Hydroelectric Project (FERC No. 4797) on the Snake River near Twin Falls, Idaho. In this letter, we indicated that the dissolved oxygen probes at the three water quality monitoring sites must be fitted with identical equipment. We also indicated that stirrers and standard membranes must be used on each probe.

This will confirm our January 18, 1994 teleconference in which we agreed to accept the use of low flow membranes on the probes at Sites A and C and a standard membrane on the probe at Site B with no stirrers at any of the sites. This revision is made with the understanding that the acceptable deviation from the NILs will be established using the precision of the probes which will be determined by the weekly calibration, not the manufacturer's stated precision.

Please contact me at 509-522-6724 with regard to any questions you may have in this matter.

Sincerely,

A handwritten signature in cursive script that reads "A. Bradley Daly".

A. Bradley Daly
Chief, Regulatory Branch

Copies Furnished:

Mr. R. Tim Litke
Idaho Division of Environmental Quality
601 Pole Line Road
Twin Falls, Idaho 83301-3035

JAN 26 1994

Copies Furnished: (Cont'd)

Mr. John Olson
Environmental Protection Agency
Boise, Idaho

Ms. Alison Beck Haas
U.S. Fish and Wildlife Service
Division of Ecological Services
4696 Overland Road, Room 576
Boise, Idaho 83705-2890

Mr. Terry Blau
Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301-6104

Mr. Don McNarie
Idaho Department of Lands
1215 West State Street
Boise, Idaho 83720

✓ Mr. Art Brown
Jerome County Planning and Zoning Administration
Post Office Box 27
Jerome, Idaho 83338

Senator Larry E. Craig
Attn: Missy Guisto
304 North 8th Street, Room 149
Boise, Idaho 83702

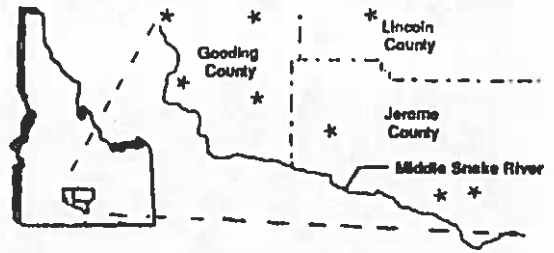
Mr. George L. Smith
P.O. Box 51016
Idaho Falls, Idaho 83405

Mr. J. Mark Robinson
Federal Energy Regulatory Commission
825 North Capitol Street NE., Room 308RB
Washington, DC 20426

JAN 23 1994

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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



January 17, 1994

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

Mr. Gary O'Neal
United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle Wa. 98101

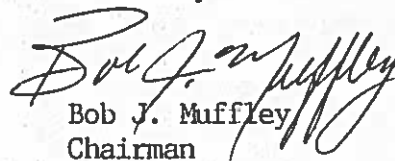
RE: Sustainable Development Proposal dated 12/20/92

Dear Gary:

Thank you for your letter of 12/21/93 regarding your sustainable development proposal for the Mid-Snake River Area. The only correction we can find is that the Mid-Snake Water Quality Commission should read, on page one, : Middle Snake Regional Water Resource Commission of Jerome, Lincoln and Gooding Counties. References to the commission on page 5 should also be changed to read: Middle Snake Regional Water Resource Commission.

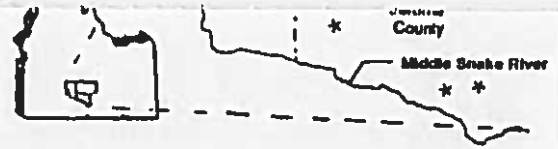
Thanks for your efforts and we look forward to seeing you.

Sincerely


Bob J. Muffley
Chairman

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

January 9, 1994

Mr. R. Keith Higginson, Director
Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, Idaho 83720-9000

RE: Draft regulations on conjunctive management

Dear Mr. Higginson:

Following are my comments concerning the draft rules discussed at the Burley meeting on January 7, 1994:

1. Rule 020.04: This paragraph apparently states that calls may appear futile in the short run, but considering the interaction of the aquifer with streams and springs, the call may not be futile in the long run. The wording is vague, however, and could be construed to mean that a call from a spring right will always be futile. I suggest that this paragraph be more clearly stated in the second draft.
2. Rule 020.07: Rule should state: When the annual natural recharge falls below the average anticipated natural recharge, pumping shall be curtailed by the percentage of shortfall. The average anticipated recharge is to be determined from historic data and include recharge from surface water irrigation, tributary basins, precipitation, Snake river losses and tributary streams and canal losses.
3. Rule 030.01 and 030.02: This section appears to place much of the burden of proof on the senior holder (petitioner). We believe the investigation as to cause and effect should be done by the department. Rule 030.01 should read: When a petition is received by the Department, the department will investigate to determine the ground water area within which withdrawals are to be regulated.

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

R. Keith Higgenson
January 9, 1994
page 2.

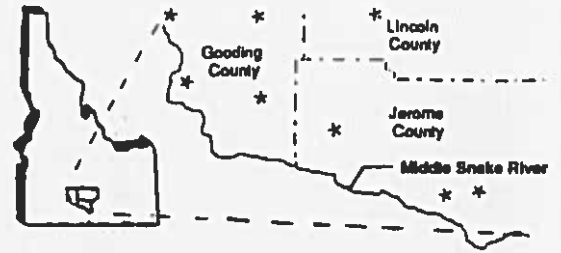
4. Rule 040.01.a.: a sentence should be added stating that if a senior holder is damaged by such a phase in period, that restitution be made to the senior as part of the mitigation by junior right holders.
5. Rule 040.01.b.: As long as the diversions are found to not exacerbate the lowering of the aquifer.
6. Rule 040.02: The rule should clearly state that leakage from canal systems are considered reasonable and recognized as a beneficial use. It should also state that canal systems need not insure that all users of their system are using reasonable efficiencies before making a call.
7. Rule 040.03.b.: Above ground water irrigators have spent millions of dollars over the last 80 years to store water for use during periods of low water runoff. If the entire bank is used in a single year it could lead to disaster the next. Ground water diversions must be curtailed during low water years so senior holders can ration their storage water (if any) in conjunction with the anticipated and historic amount of water entering streams and springs from ground water sources.
8. Rule 040.03.c.: If a senior must change his or her point of diversion the additional cost must be born by the juniors as part of their mitigation. If wells are to used as mitigation to a senior, the withdrawal from the aquifer must not add to the depletion of that resource. Full economic development of the underground water resource should occur when the aquifer is in balance. It's apparent that the aquifer is being lowered by pumping which suggests that we have already surpassed full economic development. We must also consider the need for instream flows for fish, wildlife, recreation and aesthetics.
9. Rule 040.06.b.: This section appear to allow pumpers to withdraw 100% of their right during periods of drought. Pumping withdrawals should be restricted to match the anticipated average rate of future natural recharge.

Sincerely

BOB J. MUFFLEY
CHAIR

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

January 11, 1994

Larry Cope
P O Box 712
Buhl, Idaho 83316

Dear Larry,

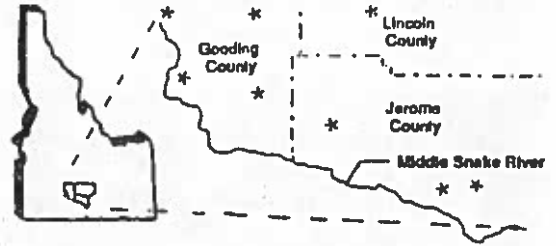
The Middle Snake Regional Water Resource Commission will be discussing the plan presented to the Northside Canal Company by holders of spring water rights to attempt a demonstration recharge program. The Counties would like to help in this endeavor, but we must first set a policy on the issue. I ask that you please try to attend this very important meeting and you may bring other interested parties. I have attached a copy of our agenda for your reference.

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

January 6, 1994

Mr. Art Brown, Administrator
Jerome County Planning & Zoning Commission
Jerome County Court House
Jerome, Idaho 83338

RE: Application for special use permit by the City of Twin Falls

Dear Mr. Brown:

I want to thank your commissioners for allowing the Middle Snake Regional water Resource Commission to testify on this very important issue. The counties of Jerome, Lincoln and Gooding approved a water Resource management plan early in 1993 and formed this commission to address all water quality and quantity issues in our three county region. The City of Twin Falls apparently forgot about this step in their approval process. The timing of your hearings on this issue are such that my full commission was unable to meet and formulate recommendations on the adequacy of the City's plan. We, therefore, request that you postpone your scheduled hearing on this matter until sometime after our next meeting which is scheduled for the 19th of this month.

A review of the regional water plan indicates several areas of concern for the regional commission:

1. My commission members would probably have several questions concerning the integrity of piping chlorine gas across the Snake River for injection at the point of diversion. What safeguards have been taken should the pipeline rupture? Has the City taken into account the likelihood of an earthquake, water born debris or man caused problems? Are the risks to Jerome County and its waterways such that the injection should remain in Twin Falls County, preferably well away from the Snake River or other waterways. I understand that the D.E.Q. has approved the piping of the chlorine gas, but my commissioners don't know if these items were considered and, if so, is the determination by the D.E.Q. in the best interest of this region and Jerome County in particular.

Mr. Art Brown
January 6, 1994
Page 2.

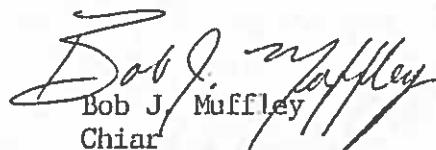
2. My commissioners would also ask the city to clarify the safeguards they are taking with regard to back flushing to the pump station. Will there be enough pressure to break the pipe? How will they contain the chlorinated water and keep it from entering Alpheus Creek and what would be the effect of such a spill on down stream water users?

3. It was stated during your hearing with the city of Twin Falls that the city could cap one-quarter of the spring flow which would result in lowering Blue Lakes by only 2.8 inches. I can foresee all kinds of questions by my commissioners on this issue. They would want to see records on the spring flows and records on the amount of seepage entering the lake.

4. My commissioners are currently working on a water quantity plan for our region and the situation statement, which has been tentatively approved by the commission, states "The counties are concerned that continued reduction to our underground water resources will, in time, have a devastating impact on the local economy". With this in mind, the commissioners would have serious concerns at the size of the pump being used by the city. Their intentions need to be clarified.

As chair of the Middle Snake Regional Water Resource Commission I must appose the issuance of a special use permit for the City of Twin Falls as the city failed to follow proper procedure. The agreement establishing this commission and signed by the commissioners of Jerome, Lincoln and Gooding counties on the 12th day of April 1993 gives authority to this commission to oversee all matters concerning the study, management, protection and enhancement of our regions water resources. I specifically refer to paragraph 5(c), 6(a), 6(c) and 6(h) of the agreement. (A copy of that agreement is attached) When the city failed to submit their plans to this commission for our review, they made it impossible for us to complete our mission which is to advise the Boards of County Commissioners on all issues pertaining to the regions water resources.

Sincerely



Bob J. Muffley
Chair

Middle Snake Regional Water Resource
Commission