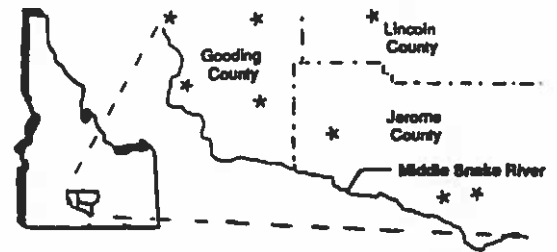


MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Roxi Reed, Acting Executive Director
208-934-5983
1703 South 2200 East
Gooding, Idaho 83330



Chairman

Bob Muffley

Vice Chairman

Fred Brossy

Committee

Dan Suhr

Rick Thompson

Roy Prescott

Mack Neibaur

Phil Batt, Governor Elect
Statehouse Mail
Boise, Idaho 83720

December 19, 1994

Re: Appointments that concern Idaho's water resources

Dear Governor elect Batt:

The Middle Snake Regional Water Resource Commission was formed by a joint powers agreement between the county commissioners of Jerome, Lincoln and Gooding Counties. The member counties have adopted a water quality plan, the only such plan in the state, and are in the process of approving a local water quantity plan, another first in Idaho. As the only local water resource commission in the state, we would like to offer our input on appointments to agencies that will create water policy in our region.

1. We feel that the Division of Environmental Quality is in need of an overhaul, and to do this the new director will need to have a strong management background. Since 1989 we have seen a tremendous increase in staff at the division with little or no increase in overall effectiveness. Our counties had to develop their own plan to clean up our water resources in order to show them the way, and we did it in 2 1/2 years with an annual budget of less than \$12,000. All we needed from the D.E.Q. was a monitoring program and enforcement, but instead we got a duplicate planning effort that has taken three years and is still not finalized. The costs to the state have been tremendous.

If you are satisfied with their managerial skills we recommend the following individuals:

Suzanne Budge
David Mabe
Joan Cloonan
Dr. Greg Nelson
Paul Jehn

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

2. Our Commission works closely with the Department of Water Resources and because of this we have some concerns about who is appointed as State Director. We very much believe that if the wrong person is chosen for this position there could be legal warfare between east and south central Idaho concerning conjunctive management. Our commission is also in agreement with the Hurlbut decision and opposed the 1994 water legislation. We felt that the legislation put our water users in an untenable position by making it impossible for a water user to challenge the findings of the department. We know from personal experience that many of their decisions with regard to water right holders in the Hagerman Valley were arbitrary. We also believed that the only protection the water user has from the high cost of defending their claims from these arbitrary decisions by the department was their ability to win legal fees. Many small users would not be able to defend their right without this safeguard.

We believe it's crucial that the new director is perceived as completely impartial with regard to adjudication and the conjunctive management of our water resources. With this in mind we can not support any individual with ties to either eastern or south central Idaho. We prefer that you choose someone from either the western or northern regions of the state or, better yet, from outside the state. We believe that your decision concerning a new director of the Department of Water Resources may be the most important decision you make with regard to the continued viability of our agricultural economy. We have no specific recommendations for an appointee at this time.

3. Western States Water Council recommendations:
DeWitt Moss
Sherl Chapman
5. Idaho Water Resources Board Recommendations:
We have no objection to Parr and Bell continuing to serve in this position. We highly recommend Freeman Duncan from Coeur d'Alene.

Mr. Phil Batt

page 3

December 19, 1994

We hope you consider these recommendations in your decision making process and we look forward to working with you and your new administration.

Sincerely,

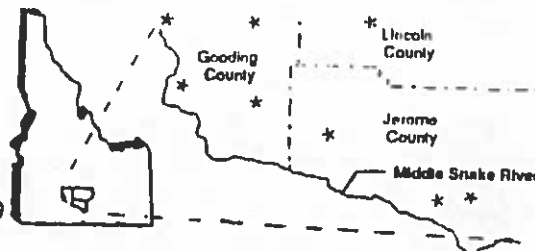
Bob Muffley, Chairman

BJM/rr

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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

December 16, 199



Chairman

Bob Muffley

Vice Chairman

Fred Brossy

Committee

Dan Suhr

Rick Thompson

Roy Prescott

Mac Neilson

Mr. Alex S. LaBeau

Public Affairs Coordinator

Idaho Association of Realtors, Inc.

1450 West Bannock

Boise, ID 83702

Dear Alex:

Thanks for sending me the proposed motion to NAR based on the findings of the Land Use Conference. I recommend the following changes:

Clean Water Act: Last paragraph under motion to be adopted.

The State owns all water within the State and the State issues permits for a beneficial use of the resource. If water is not used for a beneficial purpose, as defined by the State, the water reverts back to the State. There is no actual private ownership of the State's water, only a license to use it.

I recommend that the statement be changed to read: "We support the private beneficial use of water and recognize the State's ownership and control of that resource. We oppose the usurping of state water rights by the federal government."

Endangered Species Act: I think the motion to N.A.R. should be broadened by adding an additional check mark. "The federal government and its agencies must mitigate any damage to local economies brought about by the implementation of any provision of the E.S.A."

The problem facing southern Idaho is that the Bureau of Reclamation will rent or purchase water at "market rates" to use for the salmon flush. This could result in the reduction of crop production which could have a tremendous impact on local economies. The federal government, in order to obtain sufficient water supplies, could also condemn agricultural land and pay "market value" for it in order to obtain the water. These lands would never be placed back in production. Depending on the amount of water obtained in this fashion, the impact on rural communities and local governments could be devastating.

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

Mr. Alex S. LaBeau
December 16, 1994
Page 2.

Thanks again for sending me a copy of your proposal and I wish you luck. What Lee has proposed is very important to the counties in my area.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob".

Bob J. Muffley
Chairman

BJM/lm

copy

December 12, 1994

Vickie Traxler
Idaho Department of Health and Welfare
Division of Environmental Quality
601 Pole Line Road
Twin Falls, Idaho 83301

Dear Vickie:

I am writing a separate letter concerning your planning process as I prefer that it not be distributed to the committee.

Thanks again for allowing us to comment on the second draft plan and we sincerely hope that the next draft will be the last. We applaud you and all the others who worked on the plan from D.E.Q. for your tenacity. Quite frankly we didn't give the nutrient management plan much of a chance, but it appears now that it's going to make it.

We know that your office may not completely understand this commission's partial withdrawal from the planning process. I assure you our intentions were honorable. We did so because my fellow commissioners believed that this commission could best represent the public by standing away from the initial planning structure. It was our hope that, in doing so, the shots, and sometimes cheap shots, we took at the first industry plans would force them to recognize their social obligations. Whatever the reason, their final plans, while not perfect, are much more palatable.

We still believe, however, that several of the industries could do more than their plans suggest. We hope that they will come to realize this and surpass their established goals. One way to perhaps spur them on is by creating a traveling award that could be presented annually to the industry that makes the most progress and

water quality monitoring by industry to be biased and this plan appears to do little to overcome that perception.

9. Budgeting:

Implementing the plan which includes water quality monitoring and enforcement costs money. The regional office should include a proposed budget for any additional costs within the planning document. It should be clear that implementation of some of the proposed D.E.Q. management actions are contingent on a proper level of funding.

10. Flow Augmentation, page 118:

Your list of possible groups to be included in a flow augmentation study should stipulate local elected officials and area legislators. Gooding, Lincoln, and Jerome counties will also have an approved regional water quantity plan which you will need to deal with.

11. There should be a statement in the plan concerning the development of consistent zoning ordinances and policies among the counties of the region with regard to the protection of our water resources and specifically confined animal feeding operations.

12. Hydroelectric:

Clearly the hydroelectric industry could take a more proactive role, particularly by making research and monitoring data available to supplement a coordinated effort to understand the river and support the modeling effort. Such information could be kept confidential by the agency with legislative approval.

13. 3.3.2 Regional Agencies, page 103:

The role of the counties in raising the awareness of industry, the public and various state and federal agencies as to the water quality problems within the region should be made clear. The readers need to understand that your plan is a direct result of local concerns. We, therefore, suggest the following statement to be added to the last paragraph on page 103. "This plan has been influenced by and is a direct result of that local planning effort".

14. Your plan mentions pollutant budgets at the bottom of page 2. Your intent should be made clear by including it in the glossary or expanding on it in the text.

additional bullet on page six. We suggest the following language: "aggressively monitor streams, springs, canals and the aquifer in or near points of discharge to assure compliance with industry plans".

4. Page 20, Section 1.6, 2nd paragraph:

This statement that CAFO's, irrigated agriculture, food processors and the support/consumer group is the economic backbone of Magic Valley is not exactly accurate. Ranching (livestock production) has a tremendous impact on the region's economy and the producers usually do not fall under the definition of a confinement feeding operation. We recommend that the second sentence of the second paragraph be replaced with the following. "The five main groups that comprise this backbone are: irrigated agriculture, livestock producers, milk producers, food processors, and the support/consumer group."

5. Page 21, last paragraph, 6th line down:

Saying that the resources are "already overextended" is a very broad statement which may or may not be true. We perceive the resource to be overextended, but do we have sufficient scientific evidence to actually say it? We recommend that the words "an already overextended" be replaced with the word "the".

6. Page 36, 2.1.6 Economics:

You may want to include a brief description of an Economic Model which has been developed for the Counties in Magic Valley by the University of Idaho. With proper input the Model should be able to accurately reflect the impact to our region's agricultural economy based on various actions of man and water. Mr. Hazen, agricultural extension agent in Lincoln County, has been working with our counties on the development of this technology. We recommend that you contact him on this issue.

7. General Comment:

We recommend that throughout the plan when you use Celsius that you also use degrees in Fahrenheit.

8. Monitoring:

You should state in the plan that the agency will seek funding to implement an ongoing region-wide water quality monitoring program. The public perceives

Ms. Vickie Traxler

page 4

December 12, 1994

Thank you for allowing us to comment on the second draft and we hope you will consider our comments in the final draft.

Sincerely,

Bob Muffley, Chairman

BJM/rr

Copy sent to
County
All Commissioners

December 12, 1994

Jerry Nance
814 Highway 24
Dietrich, Idaho 83324

Re: Letter of recommended changes to the Regional Water
Quantity Plan by the Regional Water Resource
Commission dated November 20, 1994.

Dear Mr. Nance:

Upon further deliberation by this commission we ask that you disregard requested change #11 to the regional water quantity plan. Objective #5 strategy c should remain as originally drafted. Delete the words "other than unique adaptations of a species".

The reason for withdrawing this change is to allow some flexibility to the county commissioners in determining the relative importance of a uniquely adapted species to the regional ego-system.

Sincerely,

Bob Muffley, Chairman

BJM/rr

Mr. Jerry Nance

page 2

December 9, 1994

It is apparent to me that Gooding and Jerome Counties would like to proceed with a ground water quality study for the region. The probable outcome of such a study would be a ground water protection plan and recommendations for specific zoning districts for certain commercial and industrial uses as well as confinement feeding operation within our three county region.

Please let us know, as soon as possible, if Lincoln County agrees to such a planning effort. We need to know as soon as possible as the commission is scheduled to discuss this at a special meeting today December 9th.

Sincerely,

Bob Muffley, Chairman

BJM/rr

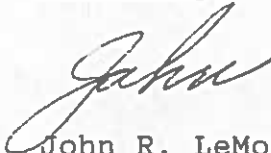
Hagerman, Idaho
December 11, 1994

Bob Muffley
122 5th Ave. West
Gooding, ID. 83330

Dear Bob,

Pursuant to our conversation, I am enclosing some letters and a chronology of my actions relative to the BOR permit process. I hope this will enable you to get the picture in an objective manner. If you think we can do any good talking to the county commissioners, I would be glad to go along and lend my personal support to your efforts.

Sincerely,



John R. LeMoyné, President
Lower Snake River Aquifer Recharge Dist
901 A Gridley Island
Hagerman, ID. 83332
208-837-4887

1-18-95

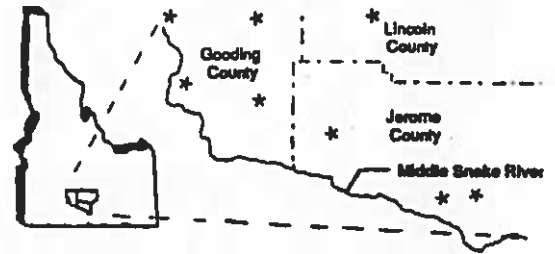
837-4887

Long term permit =
right for 2,000 CFS -

work on legislation ~~to take over~~ For State to take
over .

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Roxi Reed, Acting Executive Director
208-934-5983
1703 South 2200 East
Gooding, Idaho 83330



Chairman

Bob Muffley

Vice Chairman

Fred Brossy

Committee

Dan Suhr

Rick Thompson

Roy Prescott

Mack Neibaur

December 9, 1994

Mr. Jerry Nance, Chairman
Lincoln County Commissioner
Drawer A
Shoshone, Idaho 83352

Dear Jerry.

Per our conversation of December 2, 1994 I am writing you to share a request that we received from the Counties of Gooding and Jerome concerning a study and planning effort on our underground Water Resources, especially with regard to confinement animal feeding operation.

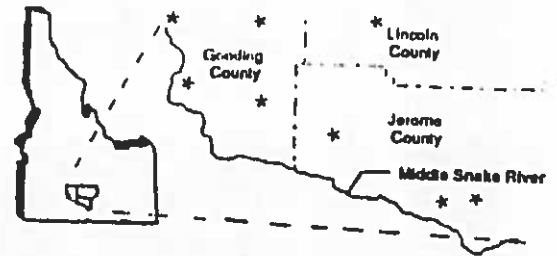
The Gooding County Commissioners approached me in early November and asked if I believed that Gooding County has reached a saturation point for dairy operations. I told them that I had no idea as we haven't ever targeted this type of study effort. I suggested to them that this commission could do a ground water study, develop a ground water protection plan and recommend specific areas of zoning in the County. I also suggested in late November that commissioner Henslee discuss this matter with Jerome and Lincoln Counties.

On November 30, 1994 I received a call from Mr. Art Brown, Jerome County Planning and Zoning administrator, asking if we had developed a well head protection plan. I told him we had not, but that Gooding County had asked us to look at a ground water protection plan. He informed me that Jerome County had been approached to do a well head protection plan in conjunction with the City of Twin Falls. It appears that the City of Twin Falls is required to do so in order to protect it's water source in Jerome County. Jerome County Commissioner, Veronica Lierman, apparently told Twin Falls City that Jerome would not join this planning group. A copy of a letter I sent to Jerome County Commissioners regarding Twin Falls is attached.

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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

December 2, 1994



Chairman

Bob Muffley

Vice Chairman

Fred Brossy

Committee

Dan Suhr

Rick Thompson

Roy Prescott

Mac Neilhair

Jerome County Commissioners

Jerome county Courthouse

Jerome, ID 83330

Dear Commissioners:

I received a phone call from Mr. Art Brown on 11/30/94 concerning an inquiry by the City of Twin Falls regarding the development of a well head protection plan for their water diversion at Alpheus Creek in Jerome County. Mr. Brown asked if we had or were working on a well head protection plan for the counties. I informed him that we had no such plan, but had been asked by the Gooding County Commissioners to work on a ground water protection plan as they are concerned about the location of future confinement feeding operations. Mr. Brown told me that he would call Mr. Trabert of the City of Twin Falls and defer their request to the Middle Snake Regional Water Resource Commission. I agreed that our Commission appeared to be the proper entity to handle the situation.

Mr. Mike Trabert phoned my office a short time later and explained his situation. I informed Mr. Trabert that we are indeed beginning work on a ground water protection plan for the region and from that plan would recommend specific zoning changes to our member counties. I explained to Mr. Trabert that our plan would encompass our region and include the area around Alpheus Creek. I further explained that our planning process would be the same that we have used successfully with other regional plans. We would ask various experts, government agencies and industry leaders to share their expertise and concerns with the Commission and from that information formulate a plan including specific recommendations.

It is my hope that the process will be complete in eight months but, depending on the availability of information, could take much longer. Once again, we are breaking new ground so a specific time frame is difficult to estimate. Representatives of the City of Twin Falls would certainly be welcome to take part in the planning process, but would do so as a concerned party.

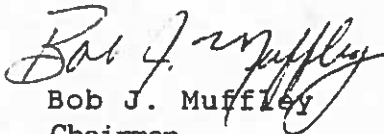
Paragraph 5 (c) and paragraph 6 (a) and (c) of the enabling agreement confer on this Commission the duty and authority to advise the member counties on all matters concerning the regions

Jerome County Commissioners
December 2, 1994
Page 2.

water resources. I, therefore, believe that the request of the City of Twin Falls to formulate a well head protection plan in Jerome County falls under the purview of this Commission and should be included as part of a regional ground water protection plan.

This Commission is at your service and shall await your instructions regarding this matter.

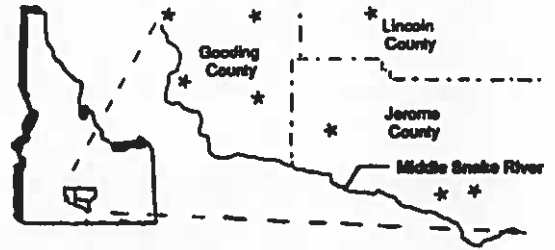
Respectfully,


Bob J. Muffley
Chairman

BJM/lm

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

Roxi Reed, Acting Executive Director
208-934-5983
1703 South 2200 East
Gooding, Idaho 83330



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

November 29, 1994

Rick Thompson
1575 East 3400 South
Wendell, Idaho 83355

*to All
our members*

Dear Rick:

Attached is a list of possible appointees to administer the D.E.Q., Idaho Department of Water Resources and other that impact our counties with regard to water. I think it is appropriate that we send our recommendation to the Governor. To that end I would like to call a special meeting at 1:30 p.m. on December 9, 1994. We will also discuss our commissioners comments to the 2nd draft Nutrient Management Plan, portions of which are also attached.

Sincerely,

Bob Muffley

BJM/rr

November 20, 1994

TO: LINCOLN COUNTY COMMISSIONERS
FROM: BOB MUFFLEY, CHAIRMAN
SUBJECT: WATER QUANTITY PLAN

The Middle Snake Regional Water Resource Commission recommends that the county commissioners adopt the following changes when approving the insertion of the Situation Statement, Statement of Customs and Culture and the Water Quantity Plan to the Regions Coordinated Water Resource Management Plan.

1. Page 3 (custom and culture statement): Delete the last three words in the statement "within the region" as the phrase is redundant.
2. Page 3, last paragraph 2nd line from the bottom: Between the words "supply" and "of" insert the words "and allocation". This helps to clarify the intent of the sentence and this commission.
3. Policy statement # 2, 2nd line: Insert the word "beneficial" between the words "and use". Beneficial use has greater meaning under state law and the insertion of "beneficial" clarifies the intent of the statement.
4. Policy statement # 9, lines 5 & 6: Delete the words "or to purchase an existing right within the county". See Norm Young's testimony in Findings of Fact.
5. Policy statement # 12, 2nd line: Delete the words "from Federal Facilities". This wording is not needed since the counties are recognizing the use as beneficial from any water source not just from federal facilities.
6. Policy statement # 13, 1st and 2nd lines: Delete the words "by an irrigation district". This does not change the intent of the statement and better clarifies the intent as irrigation districts may not be the only conservers of water.

7. Policy statement # 18. 1st line: Insert the word "future" between the words "encourage" and "develop". See Mr. Halper's testimony "c" in the Findings of Fact and the commission findings.
8. Objective # 2, strategy b: Insert the words "for the purpose of:" after the last word in the last line of the statement. (clarification)
9. Objective # 2, strategy b (1, 2 & 3): Add "ing" to the first word in each sub-strategy. (clarification) Also changing the numbering to 3-2-1 for the sub-strategies.
10. Objective # 2 strategy b (4): Delete the entire sub-strategy. See Mr. Halper's testimony "f"; Mr. Jensen testimony "a", Ms. Hyce's testimony "a" and the commission findings.
11. Objective #5, strategy c: Insert the words ",other than unique adaptations of a species," between the words "species" and "while" in the first line of the strategy. See the Idaho Fish and Game's testimony "f" for rationale.
12. Definitions, Water Spreading: Change the last word in the 2nd line "a" to an and delete the first word in the 3rd line "federally". See Mr. Jensen's testimony "b" and commission findings.
13. Definitions, Futile Call: Delete the third word in 5th line "ground". Clarification--above ground water users can also be Junior in priority.
14. Definitions, Ecosystem: Delete the entire definition of "ecosystem" and replace it with the following "all the interacting parts of the physical and biological world".

BJM/rr

November 20, 1994

TO: GOODING COUNTY COMMISSIONERS
FROM: BOB MUFFLEY, CHAIRMAN
SUBJECT: WATER QUANTITY PLAN

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BJM/rr

November 20, 1994

TO: JEROME COUNTY COMMISSIONERS
FROM: BOB MUFFLEY, CHAIRMAN
SUBJECT: WATER QUANTITY PLAN

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BJM/rr

VIRGINIA RICKETTS
516 East 300 South
Jerome, ID 83338
208-324-2017

November 15, 1994

Bob J. Muffley, Chairman
Middle Snake Regional Water Resource Commission
1703 South 2200 East
Gooding, ID 83330

Dear Bob:

Thank you for the \$300 payment and the acceptance and approval of the second history of the North Side that I prepared for the Commission. It is gratifying to be told the history will help the commission in its efforts and I truly appreciate the very nice extra payment. It will help defray the extra expense I incurred with two sets of reviewers.

I truly regret that I was not told the second manuscript could be fifteen pages in length instead of being informed the number of pages had to be cut down from the original number because the history was the longest part of your plan. Fifteen pages would have been a much easier number to work with.

Since the first manuscript will not be used by the commission I would appreciate it being returned to me.

Thank you again for the nice letter and the money. I wish the commission success in its endeavors.

Sincerely,

Virginia



University of Idaho
Cooperative Extension System
GOODING COUNTY
202 14th Ave. East
Gooding, Idaho 83330-1829
(208) 934-4417

November 10, 1994

Bob Muffley
122 5th Ave. West
Gooding, ID 83330

Dear Bob:

The College of Agriculture, University of Idaho is holding a "Town Hall" meeting at College of Southern Idaho, Aspen Building room 108, Twin Falls, November 17 from 2-4:30 p.m. Dean Lineback and at least one associate dean will participate. You are invited to attend and participate in this meeting. The meeting will not exceed an hour and a half.

The purpose of the meeting is two-fold. First is to obtain your input concerning issues that you believe the College of Agriculture should be considering as it strategically plans for the future. The first of four basic operational tenets of the land-grant philosophy is to involve stakeholders (clients) in identifying their educational needs. "Educational" is used in the broadest sense to include needs that can be met by the teaching, research, extension and international functions of the university in the generation, transmission, application and preservation of knowledge. All too often we hear that we "are not listening." We seek to improve in this area. A series of questions is being developed to facilitate a mutually beneficial discussion during the meeting.

The second purpose is to briefly update you on the status of the college in relation to program enhancement funds received from the legislature for FY95 and the proposal approved by the State Board of Education for submission to the governor for FY96. The budgetary portion of the meeting will be limited to 20 minutes. The emphasis for the meeting will be on discussion for the future, on obtaining your ideas, concerns, suggestions and comments. These are of vital importance and can be obtained only if you are there. We hope that your schedule allows you to attend and look forward to seeing you on Thursday, November 17.

Sincerely,

Meg Kevan, Extension Educator

College of Agriculture

The University of Idaho is an equal opportunity/affirmative action employer and educational institution.
University of Idaho and U.S. Department of Agriculture Cooperating

United States Senate

WASHINGTON, DC 20510-1204

November 8, 1994

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

Dear Bob:

I appreciate having the information regarding the activities of the Middle Snake Regional Water Resource Commission and look forward to the results of your public hearing.

It is imperative that we fight hard to make sure Idaho, not the Federal government, has control of our water. You are to be commended for your efforts.

Again, I look forward to the results and appreciate being updated.

Sincerely,



DIRK KEMPTHORNE
United States Senator

Opinion

If Armstrong's wonder, Chap

It was one of the most momentous weekends in modern history. It had Shakespeare's mix of unimaginable heroism alongside unspeakable tragedy. It marked the end of one of the noblest quests of adventurers – and the end of an American political dynasty. It was a quarter of a century ago.

The scrapbook from that weekend shows a fragile landing vehicle lodged in the lunar dust – and a car that careened off a wooden bridge on Chappaquiddick Island. That weekend a man walked on the moon and a woman was found dead in Poucha Pond. That weekend a dream was fulfilled and another ended.

From the distance of 25 summers, these two events – Neil Armstrong's steps on the lunar surface, Edward M. Kennedy's automobile accident that killed Mary Jo Kopechne – seem anchored in history, mileposts for our time. But the two events, each momentous in its way, stunned the world when they happened.

It is hard to remember now the way the soul soared at the notion, still fresh with wonder, of men on the moon. It is hard to remember now the shock, still raw with mystery, of the sketchy accounts of a series of events – a barbecue, a car ride, a wrong turn, a drowning – that we now summarize, and somehow diminish, with the single word "Chappaquiddick."

Now, so many years later, that weekend still has its power – not because of what followed, but because of what did not.

The lunar landing did not usher in an era of tranquility; the pull of the cosmos did not avert our attentions from our earthly woes. First the miraculous became banal, and then we lost interest entirely. Of the 62 space shuttle missions over the years, only one, the explosion of the Challenger, held our attention at all.

Editorial

Valley residents should speak out on spent fuel

A key decision about Idaho's future is coming up, and Magic Valley residents should make sure their voices are heard.

The federal government is expected to select sites next spring for so-called "temporary" storage of its spent nuclear fuel – 2,700 metric tons of radioactive wastes. Some environmental activists are convinced Idaho will draw the short straw, and their fears appear well-founded.

The government's draft environmental impact statement – the scientific basis for the upcoming decision – doesn't list a "preferred alternative." That means politics, not science, could rule. If that happens, Idaho has several reasons to worry:

- We're a remote state with a small population. Our wide-open spaces are attractive to Eastern decision-makers.

- Because of our small population, we have only four votes in Congress.

- The Idaho National Engineering Laboratory is a big nuclear site, and some spent fuel is stored there already.

- Gov. Cecil Andrus, a vigorous and high-profile opponent of an Idaho waste dump, is retiring. Neither of his likely successors is so outspoken.

These factors could lead to Idaho's becoming the nation's nuclear-waste capital. Once the government's spent fuel is here, waste from private industry could follow. With no permanent disposal solution in sight, "temporary"

storage could last a long, long time.

Magic Valley residents hardly need reminding that the INEL sits atop the Snake River Plain aquifer, source of our valley's life-giving water. As we have said so many times, the government should be removing the waste already buried at INEL, not bringing more in.

What can Magic Valley folk do?

Testify. The Energy Department plans an Aug. 30 public hearing at the Weston Plaza in Twin Falls. Magic Valley residents should turn out in force. Farmers, business people, parents – all of us in this valley – have a stake in this decision.

Call or write. The government will accept written and oral comments until Sept. 30. Write to: Tom Wichmann, DOE Idaho Operations Office, Box 3189, Idaho Falls, ID 83403-3189. Or call: 800-682-5583.

Lobby. Make sure your congressman and senators know how strongly Magic Valley people feel about radioactive waste storage. Make sure gubernatorial candidates Phil Batt and Larry Echolfaw hear about it, too. Ask how they plan to handle the issue as governor.

Some environmentalists fear the cause is hopeless – that Idaho is already caught in the government's crosshairs. Maybe so. But the aquifer's safety is too important to surrender without a fight.

The Times-News

Stephen Hartgen
Publisher

Clark Walworth
Managing editor

Allen Wilson
Circulation manager

Peter York
Advertising director





Plan aims to preserve rights

November 5, 1994

By Alice Sherman Hansen
Ag Weekly writer

TWIN FALLS — Agricultural water uses will remain the top priority in Jerome, Lincoln and Gooding counties if a proposed water management plan crafted by a tri-county water management team is adopted.

The result, members of the Middle Snake Regional Water Resource Commission believe, will offer the counties protection from attempts to take water for uses not benefiting the counties.

It establishes the counties' ability the challenge federal water plans aimed at the mid-Snake in court if they run contrary to the local plan, said Bob Muffley, a Gooding real estate agent and commission chairman.

"Now we have a basis to say, 'OK feds, we have a plan and we demand that plan be recognized,'" Muffley said. "The only safety net is county government."

The commission recently released the second portion of its water management plan, which addresses water quantity management.

The first portion, which addressed water quality, was completed in 1992.

In its entirety, the plan serves as a planning document for guiding counties in water management efforts, Muffley said.

The Water Resource Commission was formed in 1992, an evolution of the Mid-Snake Study Group, which designed the water quality plan, Muffley said.

The Mid-Snake Study Group formed in 1988 in response to concerns of degrading water quality in the Middle Snake River.

County commission-appointedees from Jerome, Lincoln and Gooding counties hold seats on the Water Resource Commission. Members include two groundwater pumpers, two surface irrigators, one rancher and one dairyman.

Twin Falls County was part of the study group, but did not adopt the water quality plan and opted out of drafting the water quantity plan.

The Mid-Snake Nutrient Management Plan, which is being crafted by industry groups who contribute nutrients to the Snake River, is not an extension of the commission, Muffley said.

Industry groups formed the nutrient management plan in response to the commission's release of a water quality plan, Muffley said.

Muffley emphasized that neither the group — nor the plan — has a regulatory function.

"This is a planning document, not a regulatory document," he said.

'Customs and culture'

In the plan, the commissioners recognize "the uninterrupted use of state water by local water right holders for beneficial uses within the region" as the area's custom and culture, and set forth water management guidelines consistent with those uses.

Agricultural, industrial, municipal and domestic uses and the support of fish and wildlife are considered "beneficial."

The plan supports "increased production by water spreading," but not outside the boundaries of established irrigation districts, Muffley said.

The plan is supportive of bringing more land into production without using more

water — via sprinkler irrigation, for example.

"That's one way we can have economic development," Muffley said.

The document takes a firm stance on endangered species, saying it opposes plans to protect an endangered species that will negatively impact the existing plants, fish and wildlife in the region.

It says species that are endangered in the Snake River Basin may be plentiful in other parts of the nation or world, and should not be considered endangered.

Under the guidance of the plan, counties would take legal action, if necessary, to oppose any plan to restore endangered species where the "customs and culture" of the local economy are not considered as a part of the plan.

The plan endorses:

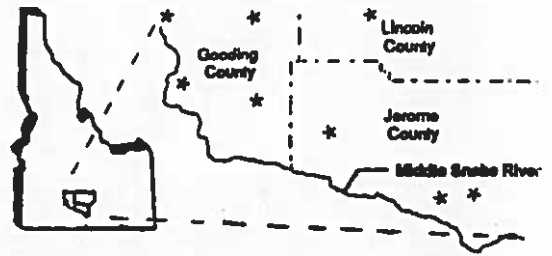
- Idaho's first in time, first in right provision for conjunctive management, unless scientific evidence suggest that a call for water by a senior right is futile;
- requirements for monitoring flows at well heads and points of water diversion;
- the moratorium on the issuance of new water permits until ongoing studies of the aquifer are complete;
- percentage decreases phased in by priority date, for ground water pumping based on the reasonably anticipated average rate of future natural recharge.

Copies of the plan are available at the county clerk's offices in Jerome, Lincoln and Gooding counties. Written comments will be accepted through Nov. 15.

Mail comments to Roxi Reed, 1703 S. 2200 E., Gooding, ID 83330.

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

Roxi Reed, Acting Executive Director
208-934-5983
1703 South 2200 East
Gooding, Idaho 83330



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

November 3, 1994

Virginia Ricketts
516 East 300 South
Jerome, Idaho 83338

*Revised
& sent
11-3-94*

Dear Virginia.

I'm sorry about the situation that developed between Mary and you. We want you to know, however, that your final product is truly excellent. We know that the task you were asked to perform for the counties was nearly impossible, because there is so much history to cram into so few pages. Please believe me when I say we are extremely impressed. The history you developed would lead any reader to the understanding that our water is our most valuable asset.

We agreed to pay you \$15.00 per page for up to 15 pages. Even though the final product was ten pages in length, we all agree that you have more than earned the \$300.00 (which you should have received by now). Your contribution to the three county regional effort will be long remembered.

Thanks again from all of us.

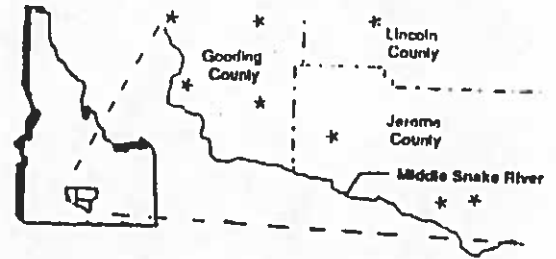
Sincerely,

Bob J. Muffley
Chairman

BJM/rr

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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



November 2, 1994

Chairman

Bob Muffley

Vice Chairman

Fred Brossy

Committee

Dan Suhr

Rick Thompson

Roy Prescott

Mac Neilbauer

Steve Crow Director
Public Affairs Division
Northwest Power Planning Council
851 S.W. Sixth Avenue
Portland, OR 97204-1348

RE: Comments on Fish and Wildlife Amendments

Dear Mr. Crow:

My name is Bob Muffley and I Chair the Middle Snake Regional Water Resource Commission of Jerome, Lincoln and Gooding Counties in South Central Idaho.

The Middle Snake Regional Water Resource Commission has several serious concerns regarding this draft amendment. There are a lot of specifics we could address, but we're sure that most of these issues have already been thoroughly discussed. Instead, we want to address these proposed amendments in more general terms.

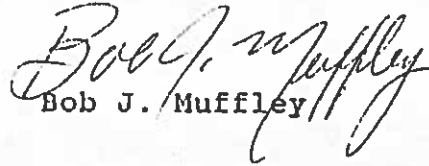
The counties represented by this Commission oppose any plan that attempts to release water from upper Snake River storage facilities for use as flushing flows. The reasons for this opposition are many, but what it boils down to is this, no plan or E.I.S. presented to date on the salmon issue considers the possible long-term or short-term affect on the customs and culture of the region as well as the economic and social well being of its people. A region that is almost totally dependant on agriculture and, therefore, the water of the Snake River including its upstream storage facilities.

The county commissioners are angry that the concerns of the people of their region have been totally ignored by federal planners. Southern Idaho is entering its ninth year of drought and our concern is that we have enough water for irrigation let alone flushing flows for salmon. We, therefore, strongly advise that before choosing any option that requires flow augmentation from the

Steve Crow, Director
November 2, 1994
Page 2.

upper Snake, you gain a more complete knowledge of and give full consideration to the affect on the people and ecology of our region.

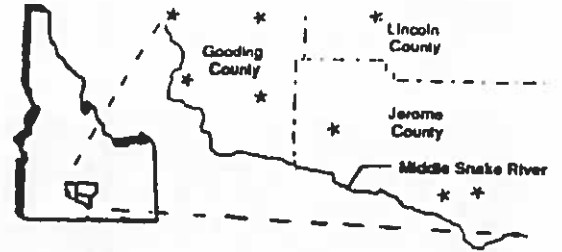
Sincerely,


Bob J. Muffley

BJM/lm

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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



Chairman
Bob Muffley
Vice Chairman
Fred Brossy
Committee

October 29, 1994

Dan Suhr
Rick Thompson
Roy Prescott
Mac Neibaur

THE HONORABLE JOHN PEAVEY
P. O. Box 88
Carey, Idaho 83320

copy

Dear Senator,

Citizens of our region are faced with many issues that could directly affect the amount of water available for use within the region. It is for this reason that the Middle Snake Regional Water Resource Commission has proposed the attached draft Water Quantity Plan. The plan is being proposed as an amendment to the Coordinated Regional Water Resource Management Plan of Jerome, Lincoln and Gooding Counties. The plan, once approved, will guide your county commissioners in their actions to protect, and enhance the regions water resources. For that reason, it is imperative that they know what you want.

A public hearing has been scheduled on November 15th at 7:30 p.m. in the courtroom at the Jerome County Courthouse. If you are unable to attend the counties still want to hear from you. Written comments will be accepted through November 15th. You can send your comments to Roxi Reed, 1703 South 2200 East, Gooding, Idaho 83330.

Sincerely,

Bob J. Muffley
Chairman

BJM/rr

RECEIVED LETTER AND COPY OF
WATER QUANTITY PLAN

10-29-94

THE HONORABLE JOHN PEAVEY
P.O. BOX 88
CAREY. IDAHO 83320

THE HONORABLE DIRK KEMPTHORN
401 2ND STREET NORTH
TWIN FALLS. IDAHO 83301

THE HONORABLE JOYCE McROBERTS
342 MONROE PLACE
TWIN FALLS. IDAHO 83301

THE HONORABLE LARRY CRAIG
1292 ADDISON AVE. EAST
TWIN FALLS. IDAHO 83301

THE HONORABLE MAXINE T. BELL
194 SOUTH 300 EAST
JEROME. IDAHO 83338

THE HONORABLE LARRY LaROCCO
304 NORTH 8TH ST. ROOM 136
BOISE. IDAHO 83702

THE HONORABLE CLINT STENNETT
P.O. BOX 1568
SUN VALLEY. IDAHO 83353

THE HONORABLE MIKE CRAPO
488 BLUE LAKES BLVD. N. RM.105
TWIN FALLS. IDAHO 83301

THE HONORABLE PATTIE NAFZIGER
996 E. RIVER PARK LANE
BOISE. IDAHO 83706

THE HONORABLE CECIA GOULD
RT. 4. BOX 113
BUHL. IDAHO 83316

THE HONORABLE DOUGLAS JONES
3515 NORTH 2300 EAST
FILER. IDAHO 83328

VIRGINIA RICKETTS
516 East 300 South
Jerome, ID 83338
(208) 324-2017

October 21, 1994

Mary Wofford
Mid Snake Regional Water Resource Commission
P.O. Box 267
Wendell, ID 83355

Dear Mary:

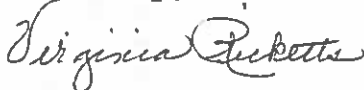
Enclosed is the new manuscript. As is my practice it has been critiqued by others only this time I specifically selected the people because of my concerns regarding continuity and understandability in attempting to put a lot of information in simple sentences in a very limited space. It has been read by three adults and one student. The three adults are a historian and author of south side history, an English teacher who is Canadian by birth and unfamiliar with any of our history, and a native of the North Side. Because you were complaining about extra pages this manuscript is exactly ten pages long. I hope it meets the commission's approval.

Like the original manuscript this has been prepared according to the Chicago manual of style. There are two modifications in the specified style. In order to accomodate more information it is single spaced and the margins are wider. I also eliminated all of the standard introductory pages.

Once again I am requesting all copies of the rejected manuscript be returned to me with a signed statement to that effect. The commission is purchasing the use of the information that can be contained in ten pages and it is readily evident the first manuscript contains a lot of information that had to be eliminated in the second one. Like I told you in my last letter that material is the result of a lot of time and money and since it has been rejected by the commission and I will not be paid for it all copies of it still belongs to me.

I would appreciate hearing from the commission.

Sincerely,



VIRGINIA RICKETTS

cc: Dan Suhr

VIRGINIA RICKETTS
516 East 300 South
Jerome, ID 83338
(208) 324-2017

October 21, 1994

Mary Wofford
Mid Snake Regional Water Resource Commission
P.O. Box 267
Wendell, ID 83355

Dear Mary:

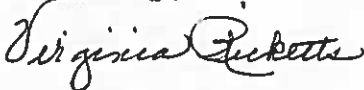
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I would appreciate hearing from the commission.

Sincerely,

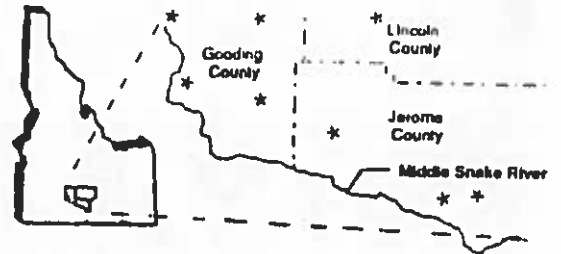


VIRGINIA RICKETTS

cc: Dan Suhr

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

Mac Neibaur

October 23, 1994

Henry Lemoyne
1418 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Dear Mr. Lemoyne,

Enclosed please find a copy of our regional plan as well as the study for Bonneville Power. As per our conversation you will copy this book on Bonneville Power and return the book to us.

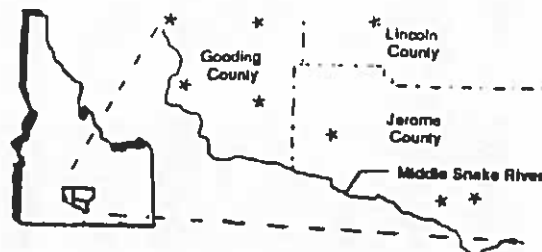
Sincerely,

Bob J. Muffley
Chairman

BJM/rr

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

Mac Neibaur

October 23, 1994

Don Campbell
Idaho Aquaculture Association
P. O. Box 28
Buhl, Idaho 83716

Dear Mr. Campbell:

Enclosed is the draft water quantity plan for the counties of Jerome, Lincoln and Gooding. This Commission developed the plan based on the comments we received from you and others earlier this year. We, very much, appreciated your comments and because of your extra effort we have mailed you a copy prior to its release to the general public. We will be scheduling a public hearing on November 15th at 7:30 p.m. in the Courtroom at the Jerome County Courthouse. You are welcome to attend and share your comments or you can submit written comments prior to that date. I'm sure that you are all aware that time is of the essence with this matter.

Thanks again for your help and if you have any questions, please feel free to call me or any member of the commission.

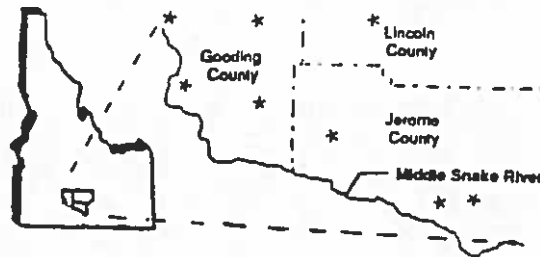
Sincerely,

Bob J. Muffley
Chairman

BJM/rr

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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



Chairman

Bob Muffley

October 15, 1994

Vice Chairman

Fred Brossy

Committee

Dan Suhr

Interagency Team

Rick Thompson

P.O. Box 2988

Roy Prescott

Portland, Oregon 97208-2988

Mac Neibaur

RE: Testimony on Columbia River System Operation Review

Dear Team Members:

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. The environmental impact statement is extremely misleading. The material presented in the E.I.S. discusses the Columbia River and its tributaries, but only that part of the Snake River that you refer to as the Lower and Middle Snake. You go on to define the Middle Snake as that part of the river which flows near Brownlee Dam. Idahoans refer to the Middle Snake River as that part of the river which flows through south central Idaho near Twin Falls. Brownlee, to us, is part of the Lower Snake.

2. The Title of the Draft E.I.S. and attached map suggests that you have included the entire Columbia River Basin within the report. This is not the situation however, as you seldom mention that part of the Snake River above Brownlee Dam, except to say that water from this area will be used to augment flows, and in some instances refill dams on the Lower Snake and Columbia Rivers. It's obvious from reading this document that you have little understanding about this area of Idaho and especially the interrelationship between the Snake River, irrigated agriculture and the Snake River Plain Aquifer. Since the planners have chosen to ignore this region of Idaho within the E.I.S., our counties shall attempt to stop any federal agency that tries to release water from upstream storage facilities for use as flushing flows, when it impacts our agricultural community. There has been no E.I.S. produced that looks at the possible affects on the customs and culture as well as the social and economic impact on

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

October 15, 1994

this region concerning the release of water from upper Snake storage facilities. There has also been no attempt by federal agencies involved in salmon recovery to understand the hydrology of the Snake River Basin. The counties represented by this Commission consider the taking of flushing flow from Idaho, and particularly this region, an illegal act.

3. Chapter 2 pages 2-6 through 2-8 (water quality)

This entire section appears to suggest that the answer for pollution is dilution. Members of this commission discovered years ago that dilution doesn't fix a problem, it only covers it up.

4. Chapter 2 pages 2-35 & 2-36 (employment)

Had this region been included as part of your analysis you would find that agriculture, in our area, is directly or indirectly responsible for 80% of our local economy. We, too, are increasing in trades and services, but this increase would not occur without our strong resource based industry. The trade and service sectors, other than multi-state or national corporate headquarters, do not add to the economic diversity because they are economically dependent upon the health of the base industry, whatever that industry may be. We, therefore, argue that since service and trade enterprises can not support themselves, their employment be listed as support personnel under the base industries.

5. Chapter 3 (the Columbia River System)

Once again you fail to recognize dams on the Snake River above Brownlee and the impact of those facilities on the people of South Idaho.

6. Chapter 3 page 3-17 (water budget and in-stream flow improvements)

This sections and, for that matter, all of chapter 4 fails to recognize the severe drought conditions of southern Idaho. Should the 1994-95 snow pack be as dismal as 1993-94, there will be insufficient water for agriculture in this region let alone flushing flows for salmon. Nothing in this report suggests that the 427 KAF may not be available in 1995, so we can only assume that you plan to take it regardless of water conditions and economic ramifications.

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

October 15. 1994

7. Chapter 3 page 3-30 (3.3.8. irrigation)

This section states that throughout the Columbia Basin, agriculture diverts 6 percent of the average available water. We find it interesting that with absolutely no attempt to mitigate damages, only Idaho is being called on to augment flows, with most of the water coming from our regions upstream storage facilities. You also state that sometimes storage water must be held over to the following year to meet irrigation demands. In our region it's not sometime, but most of the time.

8. Chapter 4

This commission opposes all seven alternatives listed in the chapter, as all strategies call for the taking of flushing flows that impact this region of Idaho.

9. Chapter 4 page 4-53 (effects on juvenile salmonids)

The 3rd paragraph states "some scientists also believe that higher flows reduce travel times, thus reducing the threat of predation and disease". This tells the people of this regions that you don't know if the flushing flow does any good, but you'll continue to take it, just in case it does. Is this supposed to give us confidence in the salmon recovery effort and the sacrifice you are asking us to make? We think not. Our people are tired of being experimented on. We want hard scientific evidence before we will be willing to sit down at a table on this issue. It really doesn't take a rocket scientist to figure out, that the cause of the problem is the federal dams on the Columbia and lower Snake. The people of this region will not be fall guys for a federal screw-up.

10. Chapter 4 page 4-56 (flows and water velocities)

See comment 9 above.

11. Chapter 4 (modeling results)

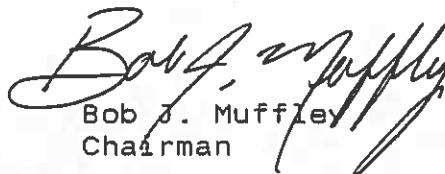
Your report clearly indicates that survival through transporting exceeds the benefits of in-river transport. Why then, are we not discussing improvements to barging and collector systems? The activities of federal agencies involved in the salmon recovery effort have been absurd, and would actually be funny if they weren't so serious. Our region does not want to see the salmon disappear from Idaho's rivers and we would support a united recovery effort that makes sense. We have not seen such a plan however, nor will we, until all interests are recognized and given a seat at the planning table.

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

October 15, 1994

Thank you for giving us the opportunity to review and comment on your draft plan. We hope that you will consider these comments when formulating your final plan.

Sincerely,


Bob J. Muffley
Chairman

BJM/rr

cc: Governor Andrus
Senator Larry Craig
Senator Dirk Kempthorn
Representative Crapo
Larry Ecohawk, Attorney General
Phil Batt



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

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

Philip E. Batt, Governor

October 12, 1995

Bob J. Muffley, Chairman
Middle Snake River Water Resource Commission
1703 South 2200 East
Gooding, ID 83330

Dear Mr. Muffley:

Per your request, DEQ has reviewed the Coordinated Water Resource Management Plan for Gooding, Jerome, and Lincoln Counties. Our comments are summarized in the enclosure to this correspondence.

If you have any questions regarding the attached, please contact me at (208) 736-2190 at your convenience.

Sincerely,

Terri C. Cornett, P.E.
Monitoring and Technical Support Supervisor

TCC/ml

Enclosure

cc: Robert E. Lupton, Regional Administrator, DEQ-SCIRO, w/enc.

Comments Regarding Coordinated Water Resource Management Plan for Gooding, Jerome, and Lincoln Counties.

General Comments

The Plan is not consistent with regards to identification of cooperators. If Twin Falls is a cooperator, then the Plan should be revised accordingly. If Twin Falls is not a cooperator, then the Plan should not reference Twin Falls.

#1 Some statements and definitions misuse accepted meaning of terms. For example, Policy Statement 3 misuses the word standard. Standards establish a level of water quality which is protective of beneficial uses. Standards do not improve water quality. Pollution control efforts can improve water quality.

#2 The Plan lacks specifics regarding accountability, effectiveness assessments, and time lines for achieving goals.

#3 The Middle Snake River Nutrient Management Plan is a tool that can be utilized to achieve the objectives of the Middle Snake River Water Resource Commission.

Specific Comments

#4 pg. 3 Numbers referenced in the following headers should be updated to reflect 1995 conditions: Irrigated Agriculture, Confined Animal Feeding Operations, and Fish Hatcheries.

Municipal Sewage Treatment Plants: which contribute direct discharge into This would read better if written as follows: which discharge directly into

#5 pg. 6 The argument in paragraph one is circular.

#6 pg. 7 (A02.c.) This could be strengthened by replacing the work should with will be in both instances.

#7 pg. 8 (A01.b.) Or should be replaced with and, otherwise the choice presents a loophole.

#8 pg. 9 (B02) Are daily fluctuations or seasonal fluctuations being referenced?

#9 (B02.d.) Tie into the larger grid and thus even out overall demand.

#10 pg. 11 Paragraph 2, first sentence should read as follows: Current agricultural and irrigation water management practices result in return flows which are typically higher in sediment, nutrients, and agri-chemicals than when the water was taken from the river or an aquifer.

#11 (A01.a.) The word water is missing from between soil and holding at the end of the second line.

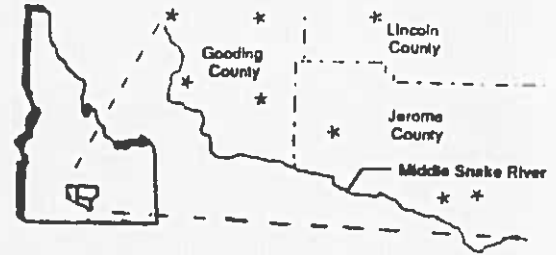
#12 pg. 12 (B01.a.) Include vegetative filter strips and leave vegetation in swales, where sprinkler irrigation is practiced.

#13 pg. 14 (C02.a.) Strengthen the strategy with the following revision: Local officials must support enforcement by state and federal agencies.

#14 pg. 17 Both nitrogen and phosphorus can occur naturally in waters. The problem is elevated concentrations in return flows. The definition of contaminants, as written in the Glossary, should be reserved for manmade chemicals (e.g., pesticides), which do not occur naturally.

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

Mac Neibaur

The Honorable Douglas Jones
Idaho State Representative
3315 North 2300 East
Filer, Idaho 83328

October 9, 1994

Dear Doug,

We are writing to ask your support for the cleanup of Crystal Springs Lake. Crystal is part of the Niagara Springs State Park south of Wendell. Our County Commissioners and members of this commission have been working with D.E.Q. on this project since 1989 and the end is now in site. We have a \$41,000 E.P.A. grant for the items we believe necessary to effectuate the cleanup but we need an additional \$120,000 from the State. The Department of Water Resources has requested these funds in the budget they submitted to the governor. We ask that you join us in letting the Governor know the importance of this budget item to our region. We have attached a copy of our letter to the governor in support of the project for your review.

Please give me a call at 208-934-4781 (office) or 208-536-2358 (home) if you have any questions.

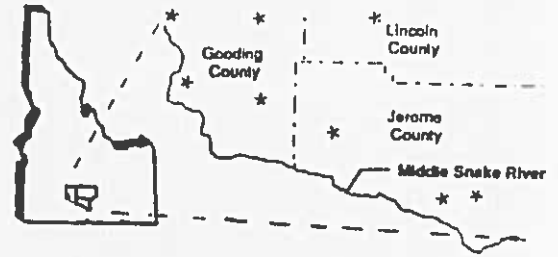
Sincerely,

Bob Muffley
Chairman

BJM/mtw

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
Mac Neibaur

October 9, 1994

Dear Commissioners,

The old Middle Snake Study Group and later this Commission, has been working on a cleanup project for Crystal Springs Lake since 1989. It appears that we have one last shot at completing the project and we need your help. Attached is a copy of a letter we sent to the governor in support of a funding request by the Idaho Department of Water Resources. We ask that the Commissioners of Gooding, Jerome and Lincoln Counties send their own letters of support. It's important that we show solid support from our region. We have also sent letters to the legislators representing the region with a similar request. Most of them are up to speed on the project and have been very supportive over the years.

Thanks and if you have any questions let us know.

Sincerely,

Bob Muffley
Chairman

VIRGINIA RICKETTS
516 East 300 South
Jerome, ID 83338
(208) 324-2017

October 8, 1994

Mary Wofford
Mid Snake Regional Water Resource Commission
P.O. Box 267
Wendell, ID 83355

Dear Mary:

This letter is in response to your telephone call requesting

- a. that I rewrite the history of the North Side in simple sentences
- b. that it be rewritten so a sixth grader could readily understand it, and
- c. that the pages be numbered.

When I met with the committee on June 23 I was asked to write a ten page history of the three county area and twelve pages would be acceptable. The time limit set by the committee was two months with an extension if needed. The fee was set at \$20 per page. Later during a telephone conversation with Dan I inquired about the geology and archaeology and was told to include those two subjects in my manuscript. The addition of the two topics placed more stress on the space I had been allowed so I set eleven pages as the space limitation.

In EACH conversation I had with commission members during the ensuing months I emphasized I was finding it necessary to use compound sentences in order to provide a minimal history that was balanced across the entire area, the first draft was over thirty pages long. At no time was I told compound sentences would not be acceptable or that the requirement was easy readability over content. Apparently I failed to communicate my concern and then erred in assuming that the commission was most interested in historic content. Both simple and compound sentences are extremes in composition which I prefer not to rely very heavily on.

There is no way to set a date when the new manuscript will be completed. At this time I have previous obligations that must be met but I assure you I will work on it when time is available.

Simple sentences take a lot of space. I took time late last night to do a rough rewrite of the first page of the current manuscript in an attempt to find out what simple sentences will do to the space limitation. Even I was surprised at the number of additional lines that were added to that one page.

It is impossible to rewrite even ten pages in a few days because any writing, especially research manuscripts, requires a minimum of four or five drafts. The first will be a simple sentence rewrite of the existing manuscript which, if the first page is any indication, will extend the document several pages. The next step will be the elimination of material to return the manuscript to the dictated space limitation. That could take two or three drafts. The next draft will be a rewrite for continuity and integrity. Then copies will be sent to readers, someone who has some knowledge of valley history and someone who knows nothing about our general history, for their suggestions and advice. This time I will also need to find a person who works, or has worked, with sixth grade level students to help with the readability level. Then the final draft will be completed, the page numbers added, and proofed before it can be submitted.

If the commission has suggestions for material to be eliminated or retained I will need that information very soon. My first reaction is to eliminate everything relating to the builders of the North Side since that is a block of material most easily disposed of and will take the least rewriting. That is distasteful because the North Side is the only area in southcentral Idaho that has the heritage of strong leaders at times of development or crisis but other decisions like this have been the routine in this project. The rest will have to be piecemeal elimination and rewrite.

Since the first manuscript has been rejected I must request that ALL EXISTING COPIES be returned to me with a written assurance that no copies are being held by anyone. Because I will not be paid for those pages they are still my property and I retain an authors basic copyright in them. Many years of research in several states and a lot of money have been invested by me in acquiring the information contained in that manuscript. Some of the material will have to be left out of the new manuscript to meet the space limitation and I do not relish anyone else making use of the unused information for free.

I appreciate the fact that you will return the manuscript to me for rewriting since I understood during our conversation on Thursday there had been some contemplation of someone else doing a rewrite. That concerns me since basic copyright laws give all authors protection from anyone tampering with, using without permission or proper credit, or misusing their work. If anyone besides the author changes a writing in any way then it becomes that person's work and responsibility including the assumption of certain legal liabilities. This still applies when a manuscript is written for purchase and use by another party. Everyone loves to edit what someone else writes. This is especially true of history because each person has a different perception of what has happened. That is why conscientious writers of history spend so much time and money documenting the information they use. Their credibility and integrity usually are in direct proportion to the amount of research they do and the documentation they can produce.

Sincerely,

Virginia

x/c Dan Suhr

United States Senate

WASHINGTON, DC 20510-1203

October 7, 1994

Mr. Bob J. Muffley
Middle Snake Regional Water Resource Commerce
122 5th Avenue West
Gooding, ID 83330

Dear Bob:

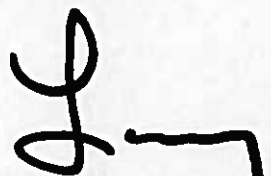
Thank you for attending the July 6 water spreading meeting. I appreciate your active interest and participation in this matter.

I, too, am concerned about the unauthorized use of contracted Bureau of Reclamation water on so called "unclassified" lands. As you know, unclassified lands are those that were not included in the acreage originally intended to be irrigated within a project. After auditing 24 Bureau of Reclamation projects, the Department of the Interior's Inspector General contends more than 132,000 acres of land in eight western states were receiving unauthorized irrigation water, costing taxpayers between \$30 million and \$40 million.

This matter must be addressed. At the same time, we must assure the federal government is not permitted to take complete control waters within our borders. States must retain sovereignty of the waters within their borders. With this in mind, I am currently reviewing various alternatives for resolving this matter. As I continue to research and discuss this issue, I will keep your comments in mind.

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

Sincerely,



LARRY E. CRAIG
U.S. Senator

LECVljw

October 7, 1994

The Honorable Cecil Andrus
Governor, State of Idaho
Statehouse Mail
Boise, ID 83702

Dear Governor Andrus:

Dr. Tim Litke of the Division of Environmental Quality had a dream before he passed away earlier this year and that dream was to restore vitality to the Crystal Springs Lake which is located in the Niagara springs State Park facility. Crystal had once been a gem that was so clear you could count the rocks beneath 20 feet of water. The little lake, however, fell on bad times. It was loaded with sediments and nutrients over many years from an adjoining fish propagation facility. What used to be a spawning bed for Snake River trout became a weed choked cesspool.

Dr. Litke took notice of the lake and convinced the Region 10 Office of the E.P.A. that it was worth saving. He received a grant under the Clean Lakes Program to study the lake and determine a plan of action. Tim then put together a planning group made up of Gooding County Commissioners, and personnel from the Clear Lakes Trout Company, the Idaho Department of Fish and Game, State Parks, and several citizens from the county. Tim's final plan called for the dredging of the lake, obtaining more spring water during the critical summer months and reversing the flow of the lake. Fish and Game personnel, as well as the representatives of Clear Lakes Trout Company, believed that dredging alone would do the job so they did not accept the planning document. Clear Lakes Trout Company, at considerable expense, dredged the lake and state parks put a lot of money into improving access. Clear Lakes also agreed to keep the lake stocked with trout. Within two years, however, it became apparent to all that dredging was not enough.

With Tim's illness many of us assumed that his pet project was doomed. Personnel from the Department of Water Resources and the Idaho Fish and Game breathed new life into it, however, and there is now complete agreement between all the original players that the project, as proposed by Dr. Litke, needs to continue. The water that is needed through the summer months has been found and now must be delivered. A new check dam has been designed and is ready to be built. The D.E.Q. has \$41,000 in grant money from the E.P.A., but to complete the project we need \$120,000 from the State. \$75,000 for the pipe to deliver the water and \$45,000 to match the E.P.A. grant and build the check dam. A request for

The Honorable Cecil Andrus
October 7, 1994
Page 2.

these funds can be found in the budget submitted to you by the Department of Water Resources. We ask that you approve those items as submitted.

Dr. Litke, or Tim as the people of this region knew him, was a very special man. He loved Idaho and her people and because of that, he was much more than just another regulator. He was a neighbor and a friend. He will be greatly missed by the people of this region. We sincerely hope that one of his dreams will not die with him. There is no other place in Idaho quite like Tim's Crystal Lake. It offers a unique fishing experience to the very young and the very old. It is also one of the few lakes that is fully accessible to Idaho's physically challenged. This Commission believes that it's worth saving and we hope you do, also.

Sincerely,

Bob J. Muffley, Chairman
Middle Snake Regional Water
Resource Commission



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

September 20, 1994

Mary Wofford
Mid-Snake Water Resource Commission
P.O. Box 267
Wendell, ID 83355

Re: Change in Date for Crystal Springs Lake Restoration Meeting

Dear Ms. Wofford:

This letter is to inform you of a change in the date of the referenced meeting. The September 7, 1994 letter originally scheduled the meeting for Tuesday, September 27, 1994. This date has been **changed** to Monday, September 26, 1994. The time and place for the meeting remains the same.

I trust that this will not result in any conflicts or problems with your busy schedule. Please advise me if you will be unable to attend. I am look forward to seeing you at the meeting.

Sincerely,

Mike

Michael J. McMasters
Supervisor, Prevention & Certification

MJM/mc

cc: Robert Lupton, DEQ, Twin Falls
Darren Brandt, DEQ, Twin Falls
Carla Fromm, DEQ, Boise

VIRGINIA RICKETTS
516 East 300 South
Jerome, ID 83338

September 9, 1994

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

Dear Mary

Enclosed you will find the history of the Tri-County area. As I told you on the telephone this has been a most challenging project because there is just too much history for the allotted space. What I considered a brief history in the first draft was nearly thirty pages long and it has taken several revisions to reduce it to the current length.

Please advise me if the commission desires to talk to me about this. Wednesday evenings are difficult for me for the next six weeks since the class I teach on Magic Valley history at the College of Southern Idaho begins this coming Wednesday but I will try to accomodate the Commission at another time if they desire.

Sincerely,

Virginia

September 8, 1994

Gem County Commission
Gem County Courthouse
Emmett, Idaho 83617

Dear Commissioners:

Thank you for sending us copies of your testimony to the National Marine Fisheries Service. It's good to know that other counties are as concerned as ours, with the many issues that face us regarding our scarce water resources. You may or may not be aware that this Commission has developed a water quality plan for our region and are nearly ready to go to the public with a water quantity plan, as well as a new section to both plans defining our region's customs and culture. We feel an approved local plan such as this will be necessary, if our counties are forced to take legal action against Federal agencies on any issue concerning our water resource.

The first test of our plan will probably come early next year, if the Bureau of Reclamation is again ordered to release water from our upstream storage facilities for the continuation of the Salmon flush strategy. Our counties will seek an injunction until an Environmental Impact Statement, specific to our region, has been completed and approved. We also assume that we will not agree with the conclusion of an EIS so we are prepared to fight it in court as well. Somehow we must force Federal agencies to recognize the impact of their acts on our people.

In conjunction with the plan and statement of customs and culture, we are working with the University of Idaho and its agricultural extension agents to develop an up to date economic analysis of our region. The analysis will have the capability of indicating statistically, the overall economic impact caused by percentage decreases in flows to our irrigators. We hope to refine it to the point that we can also show damage to area irrigation pumpers and spring users, through the reduction in recharge to the aquifer.

Middle Snake Regional Water Resource Commission

I have enclosed copies of testimony this Commission has sent on both the Salmon flush and water spreading issues. Also enclosed is a copy of our draft water quantity plan. We will make a point of keeping you informed on all actions we take regarding these important issues. An open channel of communication between the counties is imperative.

Thanks again and please let us know if we can be of service to you.

Sincerely,

Bob Muffley
Chairman

BJM:mtw

cc:

Jerome County Commission
Lincoln County Commission
Gooding County Commission
Minidoka County Commission



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

August 25, 1994

Bob Muffley, Chairman
Middle Snake Regional Water Resource Commission
P.O. Box 267
Wendell, ID 83355
FAX 934-5648

Dear Bob:

My apologies for our belated response to your Draft Water Quantity Plan. The document has been reviewed by all concerned and I hope there is still time to consider our comments.

We commend your recognition of the need for, and efforts towards, sustainable water use in Magic Valley. Development of a consistent, local policy is a necessary first step in achieving this goal.

Our comments concern water quality, which is clearly inexorably linked to water quantity. As you are aware, natural flow patterns are crucial to the maintenance of river ecosystems. It follows, then, that flow patterns in the Mid-Snake will be important in the success of restoration efforts. We therefore encourage any conservation efforts that may facilitate increased flow in the Mid-Snake.

Additionally, relative to your policy statement encouraging water conservation techniques among water users, please include agriculture as well. This industry has made considerable progress in water conservation in recent years and continued encouragement is important.

Finally, regarding your policy statement on aquifer recharge districts, potential impacts to groundwater quality should be considered.

Thank you for your consideration of our comments. We look forward to continued cooperation with you in addressing water quality / quantity issues.

Sincerely,

Robert E. Lupton
Regional Administrator

DC/mc

cc: Daren Carlisle

August 24, 1994

United States Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
1150 North Curtis Road
Boise, ID 83706-1234

RE: Draft Water Spreading Plan

To Whom It May Concern:

My commissioners have some serious concerns regarding your draft water spreading policy for the northwest. Please regard the following, as the formal comments for the Middle Snake Regional Water Resource Commission and include these comments in the Bureau's record pertaining to this matter.

1. This commission and the counties we represent recognize the supremacy of Idaho state law regarding the controlled distribution, appropriations and use of water from federal reservoirs and all other water in Idaho. With this in mind, any water that appears to be found through an inventory of the district's water users would still be subject to the contract with the irrigation district and state water law. Any water saved through the curtailment of spreading belongs to the State and they will administer it under State Law.

2. Agricultural use to M & I: This commission recognizes as beneficial to the regions customs and culture, the use of water from federal facilities for the irrigation of residential and commercial lawns, gardens, trees and shrubs assuming a conservative use of the resource. These uses have been allowed since water was first delivered from the project and the lands are within the districts covered by the contract. The psychological and economic impact of stopping the delivery of water at this time would be tremendous. Again, we must reiterate that water saved through the curtailment of this use would still be subject to the contract with the district and state water laws. If the purpose of curtailing deliveries for this use is to increase instream flows, it simply won't happen.

3. Flagrant violations: We oppose flagrant violations by individual farmers of the contract between a district and the Bureau. We believe, however, that this kind of activity is extremely rare and is already closely policed by the district.

Bureau of Reclamation
RE: Draft Water Spreading Plan
August 24, 1994
Page 2.

4. Incidental Application of Water: For years the government has worked with farmers to get them to use improved irrigation methods to save soil from erosion and more recently to better manage nutrients. Farmers have spent thousands of dollars improving their efficiency in the application of water and they did it because the extra acres they could farm on otherwise non-irrigable land helped to spread the cost. This was the motivation that led to better conservation. This commission recognizes as beneficial the incidental spreading of water since it offers an incentive for conservation and expands the economic base of the region. We, therefore, request that the words may determine that the incidental application of project water is acceptable and in the sixth line down from the top of the paragraph be deleted and the word will be inserted.

5. Identification of Specific Instances of Water Spreading:

If the purpose of this exercise is to find more water for instream flows, then the cost of the inventory is a moot issue as any water found would either remain in storage or be subject to appropriation by the State. If there are other motivations for the inventory, then those costs should not be the burden of the districts. They have paid for their storage and police themselves per your contract. If the government feels they have not been good stewards of the resource then it must fall on the government, and not the district, to prove its case. The counties would strongly oppose any effort by the Bureau to force the cost of inventories on the districts.

Thank you for allowing us the opportunity to testify on this important issue and it's our sincere hope that this entire matter is dropped.

Sincerely,

Bob J. Muffley

BJM/lm



United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office-East Unit
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY REFER TO:

August 17, 1994

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

Dear Mary Wofford

As principal operators of the Upper Snake River reservoir system the Bureau of Reclamation provides irrigation water to 18,500 farms totaling over 1.1 million acres which in 1990 produced crops worth 541 million dollars. This combined with non-federal irrigated lands makes up the majority of the economy of Southeast Idaho and a substantial part of the economy of the state. It is important that water rights and irrigated agriculture be protected to insure the economic and cultural survival of this region.

The Bureau of Reclamation operates the reservoir and river system according to the State Water Plan. Policy 5A of the State Water Plan states the following:

"It is the policy of Idaho that the ground water and surface water of the basin be managed to meet or exceed a minimum average daily flow of zero measured at the Milner Gauging station."

This policy continues on to say:

"The establishment of a zero minimum flow at the Milner gauging station allows for existing uses to be continued and for some new uses above Milner. It also means that river flows downstream from that point to Swan Falls Dam may consist almost entirely of ground water discharge during portions of low water years. The Snake River Plain aquifer which provides this water must therefore be managed as an integral part of the river system."

Currently all storage space in the Upper Snake River system has been allocated; therefore, any water released from storage past Milner Dam has to come out of some water users storage account. In addition, storage water released past Milner Dam will potentially reduce the recharge of the Snake River Plain Aquifer since less water will be available to be diverted into canals which help recharge the aquifer.

This spring and summer the Bureau was directed to release 330,000 acre-feet of storage water at a rate of 1500 cubic feet per



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SHOSHONE DISTRICT OFFICE
400 WEST "F" STREET
P.O. BOX 2B
SHOSHONE, IDAHO 83352



IN REPLY REFER TO:

1600

August 19, 1994

Bob Muffley
P.O. Box 267
Wendell ID 83355

Dear Interested Citizen,

Thank you for your recent comment(s) on the Bennett Hills Draft Resource Management Plan and Draft Environmental Impact Statement. A total of 168 comments were received. The comments will be categorized, analyzed, and a response will be prepared for the Final Environmental Impact Statement.

We greatly appreciate your comments. They contained information and suggestions that will prove helpful in revising the Draft and create the best possible resource management plan. The analysis of the comments will determine if we will ask the public to participate in collaborative teams to help revise the Draft. Whether we contact you for additional assistance or not, your comments will be thoroughly reviewed and changes or corrections made to the Draft where warranted.

Thank you for your interest and participation in the management of the Bennett Hills Resource Area.

Sincerely,

/S/

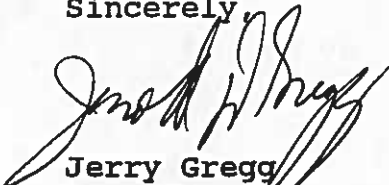
Robert D. Cordell
Area Manager
Bennett Hills Resource Area

second past Milner Dam for flow augmentation in the Lower Snake River. This water came from Minidoka Dam power head (99,240 ac-ft), Palisades Dam power head (153,530 ac-ft), Palisades Mitigation Inc space (15,265 ac-ft), Ririe Mitigation Inc. (17,430 ac-ft), and rental water from the City of Pocatello (44,325 ac-ft). Release of this water did not directly reduce storage available for irrigation uses but it is causing many system operation problems and negative impacts on local fish and wildlife.

Again a regional water quantity plan for your counties should stress the importance of protecting irrigated agriculture. Conjunctive management of the water diverted above Milner Dam and the Snake River Plain Aquifer should be a key issue. The ability to irrigate from surface water storage and ground water; aquifer recharge; spring discharge below Milner Dam; and fish and wildlife benefits will depend on this management.

I hope this general input is beneficial to your planning process. For more specific information or comments please contact our office.

Sincerely,



Jerry Gregg
Area Manager

HAGERMAN VALLEY CITIZENS' ALERT, INC.
P.O. Box 32
Hagerman, ID 83332

August 13, 1994.

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

Dear Bob:

Thank you for your recent letter inviting this organization's input on the Commission's water quantity plan for the area. It was easy to forget we live in a desert when water was plentiful and flowed from the lava into the Snake River. Then thousands and thousands of acres of sagebrush was turned into irrigated agriculture by tapping the aquifer, and we're now in a crisis because the resource was pitifully managed. Common sense tells us there is a direct connection between groundwater and surface water across the Eastern Snake Plain. Managing the water resource conjunctively is mandatory and the essential, guiding principle must remain "first in time, first in right". While we are not advocating shutting any wells down at the present time, there must be a commitment to that principle and there must be an enforceable mechanism for compensating senior water right holders for loss of their rights.

Water quality and water quantity are tied together, and the diminishing flow of springs is having a severe impact on aquatic life that is recognized as "indicator species" because of their need for adequate flows of clean water. We encourage you to seek minimum streamflows for those waters providing habitat for these indicator species that have been designated threatened and/or endangered.

We have a number of concerns about water transfers - particularly when there is a change in either the nature of use or the period of use - and have found both Idaho Code and Department of Water Resources' rules most unsatisfactory. This is an area we would strongly encourage you to consider addressing in your plan.

I am enclosing a copy of our most recent comments on related issues for further background.

Sincerely,



Ned Swisher, President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332