

From: Muffley Realty and Insurance <bmuffley@muffleyagency.myrf.net>
To: <tgann@senate.idaho.gov>
Subject: Position statement of the Middle Snake Regional Water Resource Commission
Date: Fri, 17 Mar 2006 13:07:36 -0500 (EST)

Senator Gannon

I am Bob Muffley, Executive Director of the Middle Snake Regional Water Resource Commission. I was asked to let you know that the Commission has voted to support the recharge legislation introduced by Speaker Newcomb which we believe will start the state on the long road to replenishing the Snake Plain Aquifer. We have mined this resource for too many years and it's time for action. The Commission recognized in 1992 that the second largest aquifer in the U.S. was in trouble and asked for action at that time. Instead, the legislature passed legislation in 1994 giving Idaho Power a winter water right of 17,250 cfs. This put Idaho Power in a true win, win situation. They receive virtually all of the winter flows and then increase their sales in the summer months because the deeper the well the more powerful a pump must be to get the full allocation of water. Larger pump size means more power usage so Idaho Power actually benefits from the lowering of the aquifer. Idaho Power agreed, in 1984, to the Swan Falls agreement and then basically reneged on the agreement by getting the legislature, in 1994, to increase their rights far in excess of the 1984 agreement.

People must understand that a healthy Snake Plain Aquifer not only benefits the people living on top of it, but everyone in the state including Idaho Power. Spring flows from the Thousand Springs reach will increase as the aquifer is made healthy. This increased flow of clean fresh water will not only benefit people and wildlife, but will be sufficient to meet the requirements of the Swan Falls agreement. We do believe, however, that any legislation for recharge must protect the rights of senior above ground water users such as the various canal companies as well as their carryover in storage facilities above Milner dam. We do not consider the water right given by the legislature in 1994 to be a senior right and that right should be subordinated to recharge.

We also feel that recent commercials being run on TV by Idaho Power are in very poor tast. the commercials are distorted and are pitting the farmer against all other residents of the state. this type of activity on the part of the state's largest utility should not be tolerated.

Memo

*Sent to all
Exec. Committee
members*

Middle Snake Regional
Water Resource Commission
122 5th Ave. West
Gooding, Idaho 83330
(208) 934-4781 (208)934-5648 FAX

TO: Terry Kramer, County Commissioner
SUBJECT: Proposed budget
ATTENTION:
DATE: 5/28/08
FROM: Bob Muffley, Exec. Director

Enclosed is the proposed budget for this Commission. As a member of the Commission's Executive Committee, you and your fellow members must approve the annual budget before it is submitted to your respective county commissioners for final approval. A majority approval by Executive Committee members constitutes approval of the budget. You will note that while some of the individual items in the budget have changed the end result is the same as requested last year. This means there will be no change to the counties individual portion of the Commission's budget.

To insure a majority votes the annual budget request either up or down, I have enclosed a ballot for you to complete. Please mark your approval or disapproval and return your ballot to this office in the enclosed envelope as soon as possible. I have also enclosed a summary of work the Commission has done or are doing in your behalf during the current budget year.

Executive Committee members:

Jerry Nance, Lincoln County
Paul Christensen, Cassia County
Bob Moore, Minidoka County
Terry Kramer, Twin Falls County
Helen Edwards, Gooding County
Charlie Howell, Jerome County

Thanks and if you have any questions concerning the budget, give me a call at the number shown above or my cell phone number 208-539-4781.

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648

Summary for past 12 months

1. The Commission worked with the cities in the region to look at combining efforts to create a mitigation plan for city pumping. The effort brought cities together from throughout the region culminating in a meeting between city officials and Dave Tuthill, Director of IDWR. Several communities in the region decided it would be best to work together to create one mitigation plan for all the communities. The effort was to be spearheaded by Jerome.
2. The DVD entitled "Waters above and Waters Below" was completed and the commission members were very pleased with the product. The DVD does an excellent job of explaining the region's water situation to the general public. The DVD has been given to Schools, cities, state and local agencies and planning groups, civic and business organizations and the general public. We have received excellent feed back from all who have seen the product.
3. We continue to monitor the Water Advisory Committee's (WAG's) within the region. WAG's were established by the IDEQ by an agreement between that agency and the EPA to formulate and institute TMDL's on stream segments of concern throughout Idaho. We currently have three WAG's within our region the oldest of which is the Middle Snake WAG.
4. During the September meeting we had a long heart to heart talk with Bryan Oakey, Deputy Director of the Idaho Department of Agriculture. We fully discussed the siting committee and its viability as a county resource. Commission member left the meeting feeling that recommendations made by the siting committee, while important, certainly can't be the sole criteria for the siting of CAFO's within the region. A large hole in the factors considered by the siting committee is the nitrate modeling tool developed by this commission and the USGS. Not only did we discover it wasn't being used by the Siting Committee, but Mr. Oakey didn't even know about it. We highly recommended that the Department get in touch with the USGS and learn how to use the product. We also believe that county commissioners should discount any recommendations from the Siting Committee if the model hasn't been utilized in their deliberations. We believe the modeling tool is extremely important when determining if a certain site is appropriate for a CAFO operation.
5. Bob Muffley continues to sit in on many of the ESPA Planning Group meetings. Most of the meeting are filled with information, but there has been no real progress to date on developing an actual plan. He believes the process has taken longer then necessary

since many of the planning group members were not previously involved in water issues and because of that there had to be some massive education. He hopes they will get to the meat of the planning process soon.

6. The Commission urged legislators from our region to look at increasing water storage in southern Idaho and to expand studies of mercury levels in Idaho water ways. They also asked the legislators to pay more attention to nuisance species we're starting to find in Idaho and to finally fund the development of recharge sites. As you know the legislature did fund a study to raise the Minidoka dam and funded a preliminary study for rebuilding the Teton dam.
7. The Commission asked the Idaho Water Resource Board to review and revise the Comprehensive Basin Plan for Milner dam to King Hill, This plan was instituted in 1992 and is completely out of date. Bob Muffley went before the Board and made the formal request. The Board said they would consider reviewing the planning document, but would be unable to do so for possibly two years. Since their plate is full at this time & given their level of funding. We will continue to monitor the situation because the plan is important to the people of this region. Many things have changed since 1992 and the plan should recognize those changes. The plan can be found on the IDWR web site under the Water Resource Board.
8. Next year the Commission will be working with the IDEQ on their attempts at city well head protection. The Commission has three major areas of concern. The first is the formation of a combined City - County planning group to oversee well head protection. Commission members see this as another layer of bureaucracy and would like to find a way to avoid this scenario. The second problem is that they don't believe the IDEQ is using the best information in determining the size of the areas to be protected. The Commission also has a philosophical problem with IDEQ. The Commission has always believed that any one can put whatever they want on their property so long as they build in proper safeguards for our water resource. IDEQ is trying to eliminate certain land uses within designated areas. Hopefully the Commission will have these differences ironed out soon.

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

copy

March 31, 2008

**Jerry R. Rigby, Chairman
Idaho Water Resource Board
P.O. Box 83720
Boise, Idaho 83720-0098**

Dear Mr. Rigby:

This commission recently reviewed the state's Comprehensive Basin Plan for Milner dam to King Hill and must ask that the basin plan be opened for review and update. We understand the Board and its resources are spread thin because of other important issues such as the ESPA, but we also understand the importance of this basin plan to the people this region. Our fear is that the protection afforded this reach of the Snake River through the planning document will be undermined if it isn't reviewed and updated on a timely basis. We found that much of the information and data included in the planning document is outdated or no longer relevant. We would also like to expand the scope of the plan to include the Snake River from American Falls dam to King Hill.

Our commission, which is made up of two individuals appointed by the county commissioners of each of our member counties, is more than willing to help you in this endeavor. I can be reached at the address and phone number shown above.

Sincerely

Bob Muffley Executive Director

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648

January 28, 2008

LETTER SENT TO ALL LEGISLATORS

Dear

The Middle Snake Regional Water Resource Commission understands there are many demands for state funding which must be prioritized. This commission's highest priority is legislative funding for a study to raise the Minidoka dam. The irrigation districts and the Bureau of Reclamation are willing to put off their reconstruction efforts for one year, if the state appropriates an estimated 1.4 million dollars to fund a study to raise the level of the dam by up to five feet. Idaho and this region will continue to grow and we must look at all options for obtaining needed supplies of water. We believe that a combination of raising the dam and dredging the south side of the reservoir could add 50,000 acre feet or more of storage. The extra storage could then be used to convert some of the A & B Irrigation District to an above ground water source when water is available. Ground water pumps currently supplying water to the A & B impact ground water levels both east and west of the district. The conversion of the A & B will leave more water in the aquifer, thus increasing spring flows. This is a one time opportunity of the state, and we urge you to work with the districts and the Bureau, and fund the feasibility study.

This commission also recognized the importance of ground water recharge back in the early 90's and a lot of water has flowed down the river since that time. Once again, we urge the legislature to budget \$500,000 for recharge efforts should water become available in 2008. We would also like to see the legislature work with the Idaho Water Resource Board (the Board) to establish a permanent recharge authority under the direction of the Board. This will mean a change to the Board's authority to allow them to have paid staff. We believe this to be the first step in establishing long-term recharge efforts in both this region and the state.

This commission also asks that you and your colleagues work with the Idaho Department of Water Resources and the Board to begin working on feasibility studies to rebuild the Teton dam and look at other possible sites on the Payette and Weiser rivers. As residents of the region, we all understand the importance of our water resources in maintaining our strong regional economy. An economic model of our region, developed by the University of Idaho, estimates the farm economy from just our six-county region contributes one billion dollars to the local and state economy, which must be protected. We must also recognize that, for whatever reason, our climate may be getting warmer and dryer, and Idaho is behind the curve on developing water storage facilities. The state's population will continue to grow, and demand for our finite water resources will grow along with it. Idaho must start looking to the future, and in some respects the future is now.

We have not forgotten our duties to protect water quality within the region. We are very concerned about the high levels of mercury being found in our waterways. We believe Idaho must apply pressure on the EPA to force stringent regulations on the mining operations in Nevada. We also ask that you adequately fund the Idaho Department of Environmental Quality to continue their mercury monitoring efforts in the state. Base levels have now been established in some waterways, but continued monitoring is necessary to keep the public informed. We also believe its time for Idaho to join surrounding states and require vigorous inspections for boats entering the state. Idaho is an aquatic sport destination and as such we must be vigilant. Once nuisance species are introduced and take hold, it will cost millions of dollars to control them.

We thank you for your service and if we can assist you on water issues in this region, let us know.

Sincerely

Lew Pence, Chairman

Formed by a joint powers agreement between the counties of Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls counties

Memo

Middle Snake Regional
Water Resource Commission
122 5th Ave. West
Gooding, Idaho 83330
(208) 934-4781 (208)934-5648 FAX

TO: County Commissioners
SUBJECT: Enclosed annual fee
ATTENTION:
DATE: 12/12/07
FROM: Bob Muffley, Executive Director

*Sent to all counties
with Bill*

Enclosed is your bill for the annual membership fee. I apologize for the tardiness, but we have been in the process of transferring our financial account from Jerome to Gooding county. Jerome county has been handling our finances since 1992 and have done a wonderful job. I sincerely thank the clerk's office for all their hard work and help over the years. Since I am located in Gooding, however, it is simply easier for me to handle the account through the Gooding County Clerk.

I want to remind you that county commissioners are always welcome at our meetings and we've had some good ones this year. We hope you have found use for the DVD entitled "Water Above and Waters Below" that we developed this year explaining the situation concerning the water crisis in our region. We have already given out over 150 copies of the DVD to the public and organizations throughout the state. The purpose of the DVD is to educate the people of this region concerning the water crisis in southern Idaho. It must be serving its purpose well because we continue to get requests for the product. We also want to educate all the people of the state since we will need legislative help in order to find solutions. Please let me know if you need more copies of the DVD and we will get you a supply. Several copies of the DVD have been given to each of your representatives on the commission.

We want to thank you for your continued support. With your help we will work diligently with various state and federal agencies to find solutions to our region's water quantity concerns.



STATE OF IDAHO

DEPARTMENT OF AGRICULTURE

C.L. "BUTCH" OTTER
Governor
CELIA R. GOULD
Director

October 12, 2007

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

Dear Bob,

Thank you for taking the time to send me the information on the nitrate study and modeling tool. I appreciate having the opportunity to review the materials.

Please feel free to contact me in the future if I can be of assistance.

Sincerely,

A handwritten signature in blue ink that reads "Brian J. Oakey".

Brian J. Oakey
Deputy Director

Memo

Middle Snake Regional
Water Resource Commission
122 5th Ave. West
Gooding, Idaho 83330
(208) 934-4781 (208)934-5648 FAX

TO: Bryan Oakey, Deputy Director
SUBJECT: Nitrate modeling tool
ATTENTION:
DATE: 10/2/07
FROM: Bob Muffley

Enclosed is the nitrate study and modeling tool which was developed by this commission and the USGS for our six county region. The commission believes the study and model will be a useful tool when siting CAFO's in our region and would like you to accept this information as data furnished by our member counties. If you have any questions regarding the study or the model you can contact Kenneth Skinner at the USGS office in Boise.

Thanks you again for attending our last meeting. You gave use some useful and needed information.

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

TO: All Mayors in Water District 130

FROM: Lew Pence, Chairman

RE: Meeting with Dave Tuthill, Director of IDWR

DATE: 10/1/07

I apologize for taking so long to get back with you, but Director Tuthill has been spending much of his time working in north Idaho on adjudication issues. He has made contact, however, and is looking forward to meeting with you or your representatives. We sent him a list of your questions and he will be prepared to give you answers. He will also answer any other questions you may have concerning the issue of mitigation.

The meeting will begin at 1:00pm on October 17, 2007 in room 276 on the second floor of the Taylor building at the C.S.I campus in Twin Falls. The Director and I hope to see you or your designee at, would should be, a much needed and very informative meeting for all towns in Water District 130.

From: Muffley Realty and Insurance <bmuffley@muffleyagency.myrf.net>
To: <dave.tuthill@idwr.idaho.gov>
Subject: talking with mayors in water dist. 130
Date: Fri, 07 Sep 2007 13:14:10 -0400 (EDT)

(287-4846)

Dave:

Thanks for your phone call and for agreeing to come to the magic valley to speak with some of our small town mayors in water district 130. As we discussed, the first week in October would be good for us. The best day during the week would be Tuesday the 2nd if that works for you. If not, we'll have it on any day you choose. We know you have a busy schedule and we'll work around it. I just need to know soon so I can notify all the cities in 130.

Thanks and let me know what day is best for you

Bob Muffley
Executive Director
Middle Snake Regional Water Resource Commission

From: Muffley Realty and Insurance <bmuffley@muffleyagency.myrf.net>
To: <cgould@agri.idaho.gov>
Subject: speak to Mid. Snake Commission (332-8503)
Date: Fri, 07 Sep 2007 12:56:03 -0400 (EDT)

Hi Celia:

I've called and left a message, but decided to follow up with an email. I am hoping you or your designee can come to Twin Falls to speak to the Middle Snake Regional Water Resource Commission on the 19th of this month. Commission member would like a brief update on things the department are doing that may impact our region and what you plan for the future direction of the department. We would also like your take on the pathogen study that a member of the Jerome county commission is wanting the department to undertake.

Thanks and let me know if you can come down on the 19th. I hope you and Bruce are doing well.

Bob

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Lew Pence, Chairman

Bob Muffley, Executive Director

122 5th Ave. West

Gooding, Idaho 83330

PH: 208-934-4781 Fax: 208-934-5648

**Dave Tuthill, Director
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098**

Dear Director Tuthill:

It was decided, at a July 18th meeting between this Commission and various city representatives concerning water mitigation in water district 130, to prepare a list of questions in advance of meeting with you. The questions are listed below. It is hoped that a meeting between you and city representatives can be held in Twin Falls the latter part of September. Please let me know if you would be available for such a meeting during this time period. You can call me at the phone number shown above or my cell phone number is 208-539-4781.

- 1. Why are cities facing curtailments on their domestic wells as domestic rights should have priority?**
- 2. Is the irrigation of lawns and gardens considered a domestic (culinary) use?**
- 3. What is the difference between non-consumptive use and consumptive use and why does non-consumptive trump consumptive?**
- 4. Cities need a permanent solution to mitigation. What can cities do to make this happen?**
- 5. How can cities protect their commercial and industrial base who are their primary employers?**
- 6. When local farmers or county homeowners loose water in their wells they drill deeper. Why aren't senior water users required to seek to fully obtain their rights by changing or enlarging their points of diversion?**
- 7. The state of Idaho through the Idaho Department of Water Resources created the current situation by handing out too many ground water rights. Why has the state not purchased back sufficient ground water rights to bring the aquifer back into balance?**
- 8. Why is the state still issuing permits or authorizing transfers of water rights to large dairy operation when these facilities can use as much water as a small city?**

9. Why can't agricultural pumpers be limited in their withdrawals to the annual rate of return to the aquifer to help achieve balance.

Many of the small towns in water district 130 are hoping they can go together to form a mitigation plan, but need a starting point. It is hoped, by meeting with you, they will get some direction.

Thanks and I look forward to hearing from you.

Sincerely



Bob Muffley, Executive Director

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

*Sent To
all Mayors in
Water Dist. 130*

**Rex Strickland, Mayor
P.O. Box 208
Wendell, ID 83355**

Dear Mayor Strickland:

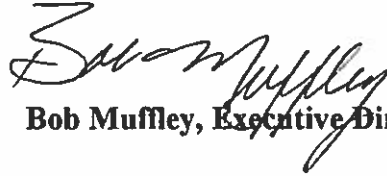
It was decided, at the July 18th meeting between the Commission and various city representative concerning water mitigation, that a list of questions be prepared before meeting with IDWR Director, Dave Tuthill. The questions for the director I have received to date are listed below.

- 1. Why are cities facing curtailments on their domestic wells as domestic rights should have priority?**
- 2. Is the irrigation of lawns and gardens considered a domestic (culinary) use?**
- 3. What is the difference between non-consumptive use and consumptive use and why does non-consumptive trump consumptive?**
- 4. Cities need a permanent solution to mitigation. What can cities do to make this happen?**
- 5. How can cities protect their commercial and industrial base who are their primary employers?**
- 6. When local farmers or county homeowners loose water in their wells they drill deeper. Why aren't senior water users required to seek to fully obtain their rights by changing or enlarging their points of diversion?**
- 7. The state of Idaho through the Idaho Department of Water Resources created the current situation by handing out too many ground water rights. Why has the state not purchased back sufficient ground water rights to bring the aquifer back into balance?**
- 8. Why is the state still issuing permits or authorizing transfers of water rights to large dairy operation when these facilities can use as much water as a small city?**
- 9. Why can't agricultural pumpers be limited in their withdrawals to the annual rate of return to the aquifer to help achieve balance.**

The commission will submit the above listed questions to the director of IDWR, but if other questions are submitted they will be forwarded as well.

We will try to set up a meeting between the director and the cities some time later in September. Meeting notice and an agenda will be sent to you prior to the meeting. You can contact me at the phone number shown above

Sincerely

A handwritten signature in black ink, appearing to read "Bob Muffley". The signature is written in a cursive style with a large initial "B".

Bob Muffley, Executive Director

**CITY OF RICHFIELD
P.O. BOX 97
180 W. LINCOLN
RICHFIELD, IDAHO 83349
208 487-2755 FAX 208 487-2756**

Questions for Director Tuthill to be asked and answered at the Mayors meeting in September.

1. The Cities need a permanent solution to the problem. What do you see as a reasonable way and means to the water solution?
2. The City has an industrial plant connected to its water system. The plant handles whey for a large cheese company. There are 80 plus people employed with a payroll of \$2.5 million. That does not include, truck drivers, management, and support. How can the City of Richfield protect the closure of the plant by the loss of water?
3. When a local farmer or county home owner loses water in his well, he drills a new well or takes the current well deeper. Why has not the senior water right holders done the same thing?
4. Since the State of Idaho and the Idaho Department of Water Resources helped create this problem, why has not the IDWR purchased back these rights at the current market value? Land with water locally is selling for \$2,000. to \$3,000. on the high end. Land without water is about \$60.00 per acre. Why not pay the difference between the two costs for the 16,000 to 30,000 acres?
5. Why is the State of Idaho still handing out water permits for dairies in the Magic Valley when one dairy of 10,000 cows use more water than the 420 people in Richfield and the Glanbia Foods Plant together?

Charles E. Buttane

Mayor Charles E. Buttane
City of Richfield

**CITY OF RICHFIELD
P.O. BOX 97
180 W. LINCOLN
RICHFIELD, IDAHO 83349
208 487-2755 FAX 208 487-2756**

August 2, 2007

Middle Snake Regional
Water Resource Commission
122 5th Avenue West
Gooding, Idaho 83330

Dear Mr. Pence:

Please find enclosed questions that I have for Mr. Tuhill to be addressed at the next Mayor meeting in September, 2007.

Thank You

Sincerely,



Charles E. Buttane
Mayor
City of Richfield

XO™ Web Site Hosting Web Mail

From: Diane Tate <dtate@mediate.org>
To: Bob Muffley <bmuffley@muffleyagency.myrf.net>
Subject: Reminder: ESPA Public Meeting in Pocatello Wednesday Night
Date: Tue, 10 Oct 2006 15:59:53 -0600

Just a reminder: There will be a Public Meeting to discuss the development of a Framework for an Eastern Snake River Plain Aquifer Comprehensive Aquifer Management Plan tomorrow evening, Wednesday October 11th, at Highland High School in Pocatello, from 7:00 p.m. to 9:00 p.m. (doors open at 6:30)

Additional meetings will be held the following week in Twin Falls (18th) and Idaho Falls (19th). Visit www.esaplan.idaho.gov for further details.

Map: Highland High School
1800 Bench Rd, Pocatello, ID, 83201

[For additional information on the ESPA Management Plan Development Process, click here to visit the project website \(www.esaplan.idaho.gov\).](http://www.esaplan.idaho.gov)

Contact information for the Facilitation Team:

Jonathan Bartsch, Sr. Program Manager
Cell: 303.918.3005
Office: 303.442.7367 x201
jbartsch@mediate.org

Diane Tate, Program Manager
Cell: 303.335.8407
Office: 303.442.7367 x222
dtate@mediate.org



100 Arapahoe Ave., Suite 12
Boulder, CO 80302 www.mediate.org

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

*Sent to
all Counties*

June 26, 2007

Minidoka County Commissioners
P.O. Box 368
Rupert, ID 83350

Dear Commissioners:

Enclosed is the new budget approved by the commission on 6/20/07 for budget year 9/30/07 to 9/30/08. The budget is a side by side comparing the current years budget with the new budget for next year. We ask that all member counties place in their budget the figure in the second column corresponding with your county at the bottom of the budget request.

The Commission has had an extremely busy year. It started off by members of the commission and others meeting with Governor Butch Otter. We updated the governor on the water situation in our region and described to him the economic implications to our member counties as well as the state's general fund. We urged the governor to get involved in the Eastern Snake Plain Aquifer (ESPA) and to help us in our quest to find workable solutions. The governor must have listened because a few months later he held a water summit in Burley. The governor was somewhat naive to think a solution could be found by holding one meeting. He did, however, receive a good education on the complexity of the issues. I think the governor would truly like to find answers and we urged him to work with the Idaho Water Resource Board and to give them enough money to devise a water management plan that will not only work for the ESPA, but aquifers throughout the state.

Commission members testified on several occasions concerning the establishment of a planning group for the ESPA through the Water Resource Board. When the planning group was formed, however, no one from the commission was appointed as a voting member. Bob Muffley was selected as an alternate member and is attending the meetings and giving his input. Bob reports back to the commission following each meeting and in his opinion the planning meetings are not going well. Even though the group has only met on two occasions, he believes lines are being drawn between the junior and senior right holders and he doesn't see how they will ever come to consensus on a workable plan. He hopes he is proven wrong, but, in his mind, there are some wrong people sitting around the table. Please be assured, the commission will continue to monitor the planning effort and do whatever we can to get a workable plan in place.

We are excited that the education DVD we have been working on for the past 18 months is now complete. We should be getting a supply of the DVD's soon and one will be sent to each county commissioner. The DVD is entitled "Waters above and Waters Below" and is our attempt to

explain, in simple terms the public can understand, the concerns of the region regarding our water resources. It also explains junior and senior rights along with descriptions of the problems people are reading about in the newspaper. The DVD and this commission take no side on the issue. We simply want the public to have a better understanding of the water management crisis and we think the DVD accomplishes this goal.

Finally, the commission is working on setting up a meeting with city representatives to discuss mitigation. We think it may be best for the cities in water district 130 to attempt making their own water mitigation deal with senior right holder since they are such a small part of the overall problem. The meeting will start off by showing the DVD discussed above and then it will be turned over to Idaho Water Resource Board staff.

As always, the commission is at your service. We strive to work in the interest of our member counties concerning our water resource issues and if we can furnish you information or otherwise help you in your deliberations, please let us know.

Your current commission member is Don Murray who is the current vice-chair. We were very sorry about the sudden loss of your second member, Marvin Bingham. I'm afraid a replacement needs to be appointed to complete Marvin's term. I'll ask Don to meet with you concerning this matter

Sincerely

Lew Pence, Chair
208-934-5302

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION BUDGET 2007 - 2008

(Proposed)

	2006/2007	2007/2008
Executive Director salary	\$5,400.00	\$ 5,400.00
Executive Director travel	500.00	700.00
Postage and supplies	1,000.00	1,200.00
Hearings, publications	1,940.00	700.00
Attorney Fees (if any)	1,000.00	1,000.00
Mileage Reimbursement	2,440.00	2,940.00
Special projects/ public education	<u>6,940.00</u>	<u>2,880.00</u>
TOTAL ANNUAL BUDGET	\$19,220.00	\$14,820.00

Anticipated Carryover for future projects: \$6,114.11. Some of the money projected as carryover will be used to purchase a lap top computer with projector and to build a web site for the Commission.

Budget request from each member county 2007/2008:

	2006/2007	2007/2008
Cassia County	\$3,471.14	\$2,677.26
Gooding County	\$3,471.14	\$2,677.26
Jerome County	\$3,471.14	\$2,677.26
Lincoln County	\$1,864.30	\$1,433.70
Minidoka County	\$3,471.14	<u>\$2,677.26</u>
Twin Falls County	\$3,471.14	\$2,677.26
Total	<u>\$19,220.00</u>	<u>\$14,820.00</u>

PLANNING & ZONING
TWIN FALLS COUNTY
246 Third Avenue East, Twin Falls, ID 83301
(208) 734-9490

September 13, 2006

Bob Muffley
122 5th Avenue West
Gooding, ID 83330

RE: Twin Falls County Comprehensive Plan
Public Services, Facilities, Utilities and Private Property Rights

Dear Mr. Muffley:

Please join Twin Falls County and the Comprehensive Plan Advisory Group on September 21, 2006 at 1:15 as we discuss public services, facilities, utilities and private property rights within our county. The existing narrative from the 1995 Comprehensive Plan will be evaluated to determine relevancy and needed changes. You will find copies of both narratives enclosed along with issues identified by the Advisory Group in the initial review.

Your interest and knowledge in one or more of these elements would be an asset to the process and a benefit to the growth and development of Twin Falls County. I look forward to your participation in the project.

Sincerely,



Susan J. Switzer
Planning & Zoning Administrator

Meet at my office 10:00 AM on 25th

Waters Above and Waters Below
Understanding Critical Water Issues in Southern Idaho
DVD Concept Outline
August 13, 2005

Background

For one hundred years, civilization grew rapidly in southern Idaho based on the premise that the Snake River and the Eastern Snake Plain Aquifer would always provide enough cheap water for any farmer who wanted to make the desert bloom.

Today, although the desert is indeed blooming, farmers compete fiercely among themselves and against a half-dozen other powerful interests for water that is now both limited and costly. Given the complex hydrology and water politics of the Snake River Basin, Southern Idaho may not have a second century of prosperity unless citizens fully understand where their water comes from and the critical role water plays in what is for them a cherished way of life.

DVD Summary

Waters Above and Waters Below is a water primer on DVD. It is designed to give the information and the inspiration citizens need to understand and to protect their water.

- The DVD features a 7-minute introductory video plus nine additional video and still image segments examining fundamental water concepts and issues.
- The material is presented at a basic level so as to be easily understood by high school-age to adult viewers with no prior knowledge of the subject matter.
- Each DVD segment is accessed independently from the main menu.

DVD Segments

1. *Waters Above and Waters Below* (video, 5-7 minutes) How the Snake River and the Eastern Snake Plain Aquifer provide the foundation for civilization in Southern Idaho.

2. *Circles of Water* (video, 5-minutes)

Southern Idaho's seasonal cycle of precipitation, aquifer recharge, and water use.

3. Water Users: Who are they? How much water do they use?

Where do they get the water? When do they use it?

(animation)

Agriculture

Aquaculture

Cities and towns

Dairies

Fish and wildlife

Industries

Power generators

4. Water Rights (video, 5-7 minutes)

First in time, first in right

Full economic development of the aquifer

Use it or lose it

Water right transfers

Water shares

Surface irrigators and pumpers

Water: public resource or private commodity

5. Where The Water Comes From When You Turn on the Tap
(animation)

If you are connected to a municipal water system

If you have a well

6. Where The Water Goes When You Drain the Bathtub
(animation)

If you are connected to a city waste water system

If you have a septic tank

7. How Much Water Do We Use Every Day (animation)

Drinking and bathing

Daily water use by a family of four

How much water does it take to:

Water the lawn

Wash the car

Flush the toilet

Run the dishwasher

Run the washing machine

8. *The Day Nothing Came Out of the Tap in Glenns Ferry*
(video, 5-minutes)

What happens when a town's water system breaks down
and how communities must plan to protect their water
supplies.

9. Protecting Our Water (video, 5-7 minutes)

Water and civilization in the arid West

Beware the exploiters and polluters

Stay informed, get involved, be vigilant

Conserve water

Don't pollute

10. Water Talk: Video Glossary of Key Water Terms
(video, 10 30-sec segments)

Cost Estimate

Video segments: 36 minutes @ \$1,000/min.	\$36,000
Animation segments: 10 minutes @ \$1,200/min.	<u>\$12,000</u>
Total estimated costs	\$48,000

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

March 5, 2007

**C. L. "Butch" Otter, Governor
Office of the Governor
P.O. Box 84720
Boise, ID 83720**

Dear Governor:

I am writing to thank you for allowing members of this commission and me to visit with you about our water concerns in south central Idaho. I'm sure you can understand our frustration with the present situation on the Eastern Snake Plain Aquifer. This commission and the counties it represents have been working for recharge and other management solutions for many years and it seems we are still be stuck at square one. I want to reiterate, however, that we believe the Water Resource Board is now working in the right direction and we support their efforts to take some emergency steps to give them time to create and implement a long term management plan. The economic viability of this region is depending on it.

Thanks again for taking time out of your busy schedule to visit with us and we offer whatever help we can give to both you and the Water Resource Board.

Sincerely



**Lew Pence
Chairman**

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

January 19, 2007

**C. L. "Butch" Otter, Governor
Office of the Governor
P.O. Box 84720
Boise, ID 83720**

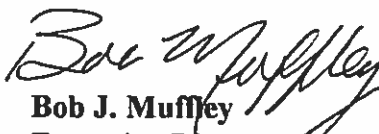
Dear Governor:

I, and the members of this commission, want to congratulate you on becoming governor of this wonderful state. Through your leadership, we are confident that Idaho will continue to be the best place on earth to live, work, and raise a family. Our Boise State Broncos are living proof that Idahoans don't give up, even when all seems lost. That team effort was an inspiration to us all and proves anything is possible when we work together.

The Middle Snake Regional Water Resource Commission is a local planning commission formed through a joint powers agreement between the counties of Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls. The commission was formed in 1992 to help county commissioners deal with regional water quality, quantity and economic issues. The commission also acts as a liaison with various state and federal agencies, as well as local and state elected officials. It is the only commission of its kind in Idaho.

This six county region, because of its water resources, produced 1.56 billion dollars of agricultural products sold, which, according to an economic model developed for our region by the University of Idaho, represents a full 40% of the state's agricultural product. Needless to say, a safe and adequate supply of water is extremely important economically to our region and the state. For this reason, the commission would like to meet with you and discuss our concerns. We understand you have many demands on your time, and we would work around your schedule. You can contact me at the phone number shown above.

Sincerely


**Bob J. Muffley
Executive Director**



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
230 Collins Road
Boise, Idaho 83702-4520

December 11, 2006

Bob Muffley
Middle Snake Regional Water
Resources Commission
124 5th Avenue West
Gooding, Idaho 83330

Dear Mr. Muffley:

It was good to hear from you again on the phone, enclosed are 6 copies of the Snake River Nitrate Scenario Simulator (SRNSS) computer flow model and the report documenting its creation "A Graphical Modeling Tool for Evaluating Nitrogen Loading to and Nitrate Transport in Ground Water in the Mid-Snake Region, South-Central Idaho" on compact discs. I also put in 6 printed copies of the report. If you need any additional copies, please let me know. The report and flow model can also be downloaded from the USGS Publications Warehouse at <http://pubs.usgs.gov/sir/2006/5137/>.

Please call me at (208) 387-1343 or email me at (kskinner@usgs.gov) if I can provide additional information.

Sincerely,

Kenneth D. Skinner

Enclosure

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

**Jerome County Commissioners
300 North Lincoln #300
Jerome, Idaho 83338**

Dear Commissioners:

Per your request the Commission reviewed the proposed drinking water protection plan for the city and county of Jerome. We congratulate your efforts with regard to protecting groundwater and specifically drinking water in Jerome county. Our aquifer is our most valuable resource and safe, clean drinking water must be a high priority for continued growth in your county and the region we serve. Members of this commission, however, have made the following comments concerning the plan:

- 1. The 4 zones for protection of drinking water could cover nearly 3/4 of the land mass of the county (reference attached Source Water Delineations map attached). As you know, this Commission has been working toward a ground water recharge program for many years and progress is finally being made. Jerome county has several potential recharge sites which may be needed for this program. The Commission believes that ground water recharge should be allowed in zones II and III when it is an authorized recharge and the proper precautions have been taken. Recharge sites would be controlled by the Idaho Department of Water Resources or the Water Resource Board with the approval of Idaho Department of Environmental Quality. The proposed Drinking Water Protection Ordinance appears to place limits on the ability to recharge. It may also be necessary, because of the geology of the area, to accomplish recharge by the use of injection wells. Sections 6 and 7 appear to restrict this type of recharge effort.**
- 2. Livestock confinement operations are prohibited in zone Ib while manufacturing or industrial businesses are allowed if a special use permit is issued to them. Livestock confinement operations should have the same ability. It is possible for confinement operators to develop waste handling systems which would assure protection of the ground water if the operator is willing and able to pay for the cost of such systems.**
- 3. The Commission wonders why a new board or committee would need to be established to oversee this program. Once the Plan is adopted by both the city and county their respective planning and zoning commissions should be able to properly manage the program. A new joint board or commission adds another layer to government and appears to only**

benefit the Idaho Department of Environmental Quality as they would only need to meet and work with one group instead of two. If problems develop, city and county personnel can work together to find solutions without adding to the size of government. The separation also serves as a checks and balance.

4. If a board or committee is formed to manage the plan, care should be taken so that cities have no perceived impact or spear of influence over the unincorporated portions of the county.

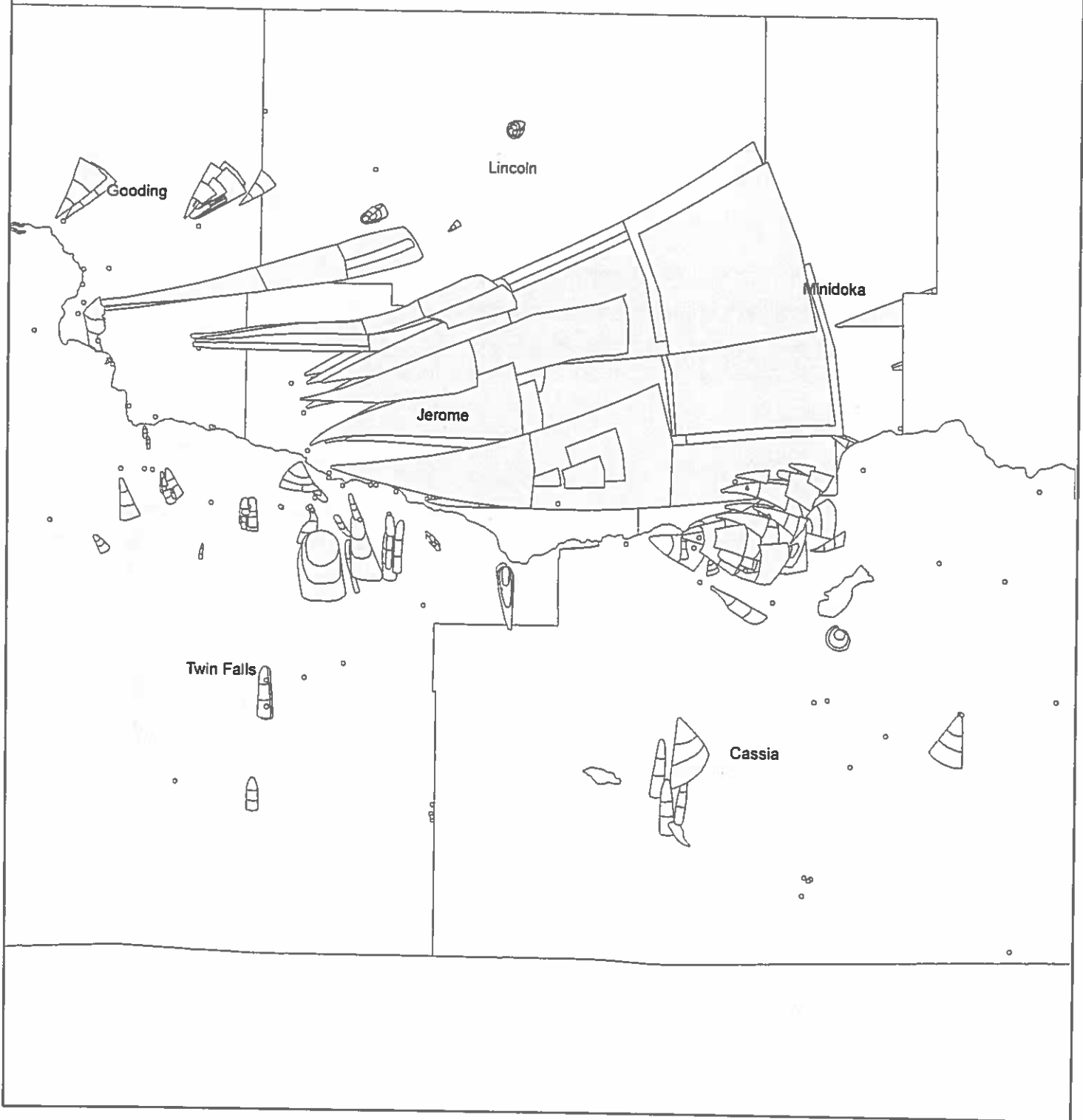
We hope the comments listed above are beneficial in your deliberations on this matter.

Sincerely


A handwritten signature in cursive script that reads "Lew Pence".

Lew Pence, Chairman

Source Water Delineations



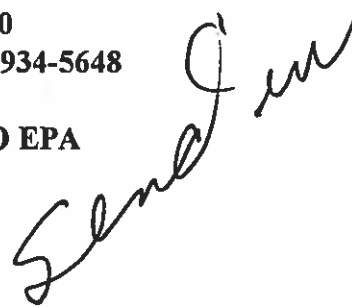
Legend

-  Mid-Snake Source Water Delineations
-  Six County Boundaries

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

DRAFT TESTIMONY TO EPA



TO: Director of Water and Watersheds

FROM: Lew Pence, Chairman

RE: Testimony on Draft NPDES permit for aquaculture facilities in Idaho

DATE: September 21, 2006

This Commission has several concerns with the draft NPDES permit for aquaculture facilities in Idaho and specifically those located on the Middle Snake river in South Central Idaho.

- 1. Page 29: the EPA will require monitoring of off line settling basins. Since waste from many of these sources do not return to navigable waters of the United States, the requirement appears to go beyond the jurisdiction of the EPA. We also appose this requirement because it could prevent innovations by private companies for creating better waste handling techniques.**
- 2. Page 30: The proposed permit would require dischargers to report suspended solid levels of less then 2 parts per million as zero. This makes no sense as, in order to have factual data, all levels of suspended solids must be reported. This best protects the public and the aquaculture facilities.**
- 3. Page 32: The draft permit requires the operator to test for phosphorous levels in the river and tributaries both above and below their return flows. This serves no useful purpose and is redundant. The operator is already testing their outflows and the IDEQ monitors phosphorous levels in the river. The current TMDL establishes a goal of .075 of phosphorous for this entire reach of the river and sampling by the IDEQ can best determine of this goal is being met. Sampling of the river by the discharger accomplishes nothing and simply add's to their cost of doing business.**
- 4. Page 34: The draft permit requires the discharger to monitor for PCB's. PCB's have never been found in this reach of the river and it is our understanding the EPA has no standards for this substance which means it is beyond your scope as a regulatory agency.**
- 5. The TMDL was established about 5 years ago and must be reviewed at the end of 10 years. We wonder why you are trying to make such drastic changes to NPDES permits for**

aquiculture facilities 5 years prior to the TMDL review. It can be determined at that time if the current TMDL is obtaining the goal and if not, adjustments can be made at that time.

It was the predecessor of this Commission, the Middle Snake Study Group, who finally got the EPA to take an interest in this segment of the Snake River and since that time there has been a great deal of effort on the part of individuals, business, industry and agriculture to improve the conditions of the river. This has primarily been done through cooperative efforts and working with both the EPA and the IDEQ. This Commission believes the key to helping the river is cooperation among all the parties. We suggest that, if there is a perceived problem on your part, you sit down with the parties involved and try to find workable and fair solutions. This Commission would gladly help with such an effort.

Respectfully Submitted

Lew Pence, Chairman

XO™ Web Site Hosting Web Mail

From: Muffley Realty and Insurance <bmuffley@muffleyagency.myrf.net>

To:

Cc: Denton Darrington <ddarrington@senate.idaho.gov>, Wendy Jaquet <wjaquet@house.idaho.gov>, Bruce Newcomb <bnewcomb@house.idaho.gov>, Donna Pence <dpence@house.idaho.gov>, Leon Smith <lsmith@house.idaho.gov>

Subject: Position statement of the Middle Snake Regional Water resource Commission

Date: Sat, 18 Mar 2006 13:34:17 -0500 (EST)

Sent to others as well

all replies were positive

I am Bob Muffley, Executive Director of the Middle Snake Regional Water Resource Commission. I was asked to let you know that the Commission has voted to support the recharge legislation introduced by Speaker Newcomb which we believe will start the state on the long road to replenishing the Snake Plain Aquifer. We have mined this resource for too many years and it's time for action. The Commission recognized in 1992 that the second largest aquifer in the U.S. was in trouble and asked for action at that time. Instead, the legislature passed legislation in 1994 giving Idaho Power a winter water right of 17,250 cfs. This put Idaho Power in a true win, win situation. They receive virtually all of the winter flows and then increase their sales in the summer months because the deeper the well the more powerful a pump must be to get the full allocation of water. Larger pump size means more power usage so Idaho Power actually benefits from the lowering of the aquifer. Idaho Power agreed, in 1984, to the Swan Falls agreement and then basically reneged on the agreement by getting the legislature, in 1994, to increase their rights far in excess of the 1984 agreement.

People must understand that a healthy Snake Plain Aquifer not only benefits the people living on top of it, but everyone in the state including Idaho Power. Spring flows from the Thousand Springs reach will increase as the aquifer is made healthy. This increased flow of clean fresh water will not only benefit people and wildlife, but will be sufficient to meet the requirements of the Swan Falls agreement. We do believe, however, that any legislation for recharge must protect the rights of senior above ground water users such as the various canal companies as well as their carryover in storage facilities above Milner dam. We do not consider the water right given to Idaho Power by the legislature in 1994 to be a senior right and that right should be subordinated to recharge.

We also feel the recent commercials being run on TV by Idaho Power are in very poor taste. The commercials are distorted and are pitting the farmer against all other residents of the state. This type of activity on the part of the state's largest utility should not be tolerated.

From: Muffley Realty and Insurance <bmuffley@muffleyagency.myrf.net>

To:

Cc: Stennett <cstennett@senate.idaho.gov>, Scott Bedke <sbedke@house.idaho.gov>, Maxine Bell <mbell@house.idaho.gov>, Sharon Block <sblock@house.idaho.gov>, Bert Bracket <bbracket@house.idaho.gov>

Subject: Position statement of the Middle Snake REgional Water Resource Commission

Date: Fri, 17 Mar 2006 14:10:53 -0500 (EST)

I am Bob Muffley, Executive Director of the Middle Snake Regional Water Resource Commission. I was asked to let you know that the Commission has voted to support the recharge legislation introduced by speaker Newcomb which we believe will start the state on the long road to replenishing the Snake Plain Aquifer. We have mined this resource for too many years and it's time for action. The Commission recognized in 1992 that the second largest aquifer in the U.S. was in trouble and asked for action at that time. Instead, the legislature passed legislation in 1994 giving Idaho Power a winter water right of 17,250 cfs. This put Idaho Power in a true win, win situation. They receive virtually all of the winter flows and then increase their sales in the summer months because the deeper the well the more powerful a pump must be to get the full allocation of water. Larger pump size means more power usage so Idaho Power actually benefits from the lowering of the aquifer. Idaho Power agreed, in 1984, to the Swan Falls agreement and then basically reneged on the agreement by getting the legislature, in 1994, to increase their rights far in excess of the 1984 agreement.

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We also feel that recent commercials being run on TV by Idaho Power are in very poor taste. The commercials are distorted and are pitting the farmer against all other residents of the state. This type of activity on the part of the state's largest utility should not be tolerated.

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Low Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

*Sent to
all counties*

March 20, 2006

Minidoka County Commissioners
P.O. Box 368
Rupert, ID 83350

Dear Commissioners:

The Commission has reviewed the joint powers agreement which formed the Commission in 1993. This document represents the bylaws of the commission and as with all bylaws it needs to be reviewed and updated when necessary. Attached to the enclosed ballot to amend the agreement are the changes recommended by the Commission and I have also enclosed copies of the agreement, as amended, for your review.

The first change is to add the names of Twin Falls, Cassia and Minidoka counties. While this is probably not necessary, it does clarify the document to the general public. The second change will delete the reference that Commission members can only serve for two consecutive terms. The Commission believes this is best left up to the appointing county and the county commissioners of the member counties. Paragraph 3 of the agreement concerns the Executive Committee which is one county commissioner from each of the six counties. The wording has been changed to better reflect that fact that there are now six member counties instead of just three. The executive committee rarely meets, but the agreement calls for four meeting each year. This has been changed to show the Executive Committee will meet on an "as needed" basis. Paragraph 8 discusses the budgeting process for the Commission. Over time this has changed so the wording in this paragraph has been changed to show the actual process being used at this time. The other changes are housekeeping in nature.

Please schedule the vote on these changes for your next meeting and after the vote please return the ballots to me in the enclosed envelope. Thanks and let me know if you have any questions.

Sincerely

Bob J. Muffley
Executive Director

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Low Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

March 20, 2006

BALLOT TO AMEND AGREEMENT:

In accordance with paragraph 10 of the Joint Powers Agreement forming the Middle Snake Regional Water Resource Commission the following amendments are adopted by the member counties.

Recommended changes to the agreement are attached. Deletions are lined out and additions are underlined. Changes are found on pages 62, 63,64 and 67 of the enclosed agreement.

	YES	NO
VOTE TO AMEND AGREEMENT (Check yes or no)	_____	_____

County of _____

Date: _____

Signatures

County Commissioner

County Commissioner

County Commissioner

Amendment to Joint Powers Agreement

Date of amendment _____

1. Page 61, AGREEMENT is changed to read as follows:

AGREEMENT made this 12th day of April, 1993 among the counties of Gooding, Jerome and Lincoln and now also including Twin Falls, Cassia and Minidoka ("Member Counties"),

2. Page 62, Paragraph 2, line 6 - Delete the sentence Members may serve no more then two (2) consecutive terms.

3. Page 62, Paragraph 3 - Paragraph to read as follows:

3. There is hereby established an Executive Committee, consisting of one (1) County Commissioner from each of the Member Counties, to be appointed by the Board of each participating county, which committee shall be responsible for any legislative and regulator, or financial functions of or for the Commission. ~~Executive Committee members shall be appoint for a term of four (4) years, subject to remaining in their position as an elected County Commissioner.~~ The executive committee shall elect a chairman and vice-chairman. ~~Two (2)~~ Four (4) members shall constitute a quorum for the conduct of business but all votes shall require a three (3) member majority. The Executive Committee shall meet ~~at least four (4) times each year~~ on an "as needed" basis.

4. Page 63, Paragraph 4, line 2 - Delete the words for the Middle Snake River

5. Page 64, Paragraph 5 section f., line 3 - Delete the word property and add the word proper

6. Page 67, Paragraph 8 - Paragraph to read as follows:

8. Annual Budget. The fiscal year of the commission shall commence on October 1 of each year and shall end on September 30 of the following year. ~~The Executive Committee Commission~~ shall prepare, by the first Monday in ~~July~~ June of each year, a preliminary budget for the ~~Commission~~ Executive Committee including the activities of the Executive Committee, and an estimate of costs to be apportioned to each Member County for the ensuing year. The Executive Committee shall approve and certify the budget to each member county on or before July 15 of each year. ~~A copy of the preliminary budget, showing the amount of costs to be allocated to each Member County, shall be distributed to each Member County by July 15 of each year for approval by the commissioners of the Member Counties.~~ Such determination shall be binding upon all Member counties.

XO™ Web Site Hosting Web Mail

From: Muffley Realty and Insurance <bmuffley@muffleyagency.myrf.net>
To: (XENIA WILLIAMS) <xeniawilliams@webtv.net>
Subject: Re: SEMPRA
Date: Sat, 25 Feb 2006 16:23:44 -0500 (EST)

----- (XENIA WILLIAMS) <xeniawilliams@webtv.net> wrote:

Xenia: I am the Executive Director of the Middle Snake Regional Water Resource Commission which is a water quality and quantity planning group for our six county region. As such, we work for the county commissioners of those six counties. To my knowledge, none of the counties we represent have taken a position on Sempra nor has this Commission. We may, at a later date, when we feel we have all the facts. Our recent recommendations to the counties are for any heavy industrial use wanting to come into the region and are not aimed solely at the Sempra facility. We found that some of our county ordinances didn't anticipate heavy industrial facilities locating in their counties and were not adequate for this kind of development. We hope that some or all of our recommendations are adopted by our member counties. I congratulate you and others for your active participation in the political process on this issue, but must decline in joining you in this effort at this time.

>

IF YOU COULD FIND TIME TO TAKE THE BUS TRIP GOING TO THE LEGISLATURE ON
> 2 MAR, IT WOULD HELP I KNOW. YOU CAN CALL CARL NELLIS (CPR), IN
JEROME

> OR RICH CARLSON (FOR KMVM)/ FOR DETAILS. WE ALL NEED ALL THE HELP WE
> CAN GET. THANK YOU.

>

>

>

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648

February 17, 2006

Cassia County Commissioners
1459 Overland Ave.
Burley, ID 83318

*Letter went to all
counties & P&Z's*

Dear Commissioners:

We found that special use ordinances in the six county region served by the Middle Snake Regional Water Resource Commission may be inadequate for heavy industrial land uses. The Commission formed a task force to look at ways to protect our above ground and underground water resources should a heavy industrial use decide to locate in the area. The task force recommended several ways to protect these resources and at the same time protect the economy of our member counties should this type of development occur. Attached is a copy of the recommended performance standards for heavy industry recommended by the task force and approved by the Commission. We are submitting these recommendations for the review of the planning and zoning commission in the hope that this or similar language will be inserted into the special use portion of your county ordinance.

BACKGROUND:

It became apparent, with the proposed Sempra Development, that our member counties may not be prepared for this kind of large scale industrial use within our region of the state. Frankly, most people, including this commission, were caught by surprise. I don't think anyone could fully understand the size and scope of such a huge development in our predominantly rural agricultural area. This proposed development was discussed at length by the Commission and it was decided that large scale industrial developments not only impact the counties in which they propose to locate, but nearby counties as well. The Middle Snake Regional Water Resource Commission is the only commission in the state that is truly regional in scope. Because of this it was decided that the Commission was in a unique position to help develop standards for heavy industrial uses which would not only serve the individual county, but all counties within the region. This Commission has taken no stand on the Sempra issue, but instead looked at the overall impact of large scale industrial development. We feel the standards outlined in the attached document are

very attainable by any heavy industrial developer who desires to build a complex that will ultimately benefit the individual county and the region in which it resides.

A copy of the proposed standards has also been sent to the Cassia County Planning and Zoning Commission as well as the planning and zoning commissions and county commissioners of Jerome, Lincoln, Minidoka, Gooding and Twin Falls counties.

Sincerely

**Lew Pence
Chairman**

Sent 2/17/06

Recommended Performance Standards for Heavy Industrial Land Uses

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise unreasonably objectionable conditions which could adversely affect the surrounding areas or adjoining premises; except, that any use permitted by this title may be undertaken and maintained if acceptable measures and safeguards are enacted to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements within this title:

- a. **Fire Hazards:** Any activity involving the use or storage of flammable or explosive materials, including hazardous materials, shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the uniform fire code and the national safety foundation publications.
- b. **Radioactivity Or Electrical Disturbance:** No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point, other than that of the creator of such disturbance. Radioactivity or electrical disturbance shall not leave the site.
- c. **Noise:** No activity or use shall be permitted which creates a noise which due to volume, frequency, or beat is found to be objectionable to a reasonable person when heard from a location off the premises. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement, as are noises attendant to ordinary agricultural operations.
- d. **Vibration:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- e. **Air Pollution:** Air pollution shall be subject to the requirements and regulations established by the health authority, or the state of Idaho.
- f. **Glare:** No direct or reflected glare shall be permitted which is visible from any property outside an industrial-commercial zone or from any street.
- g. **Erosion:** No erosion, caused by human instrumentalities, shall be permitted which will carry objectionable substances onto neighboring properties.
- h. **Enforcement Provisions for Heavy Industrial:** the administrator and/or commission, prior to the issuance of a permit and at the developer's sole cost and expense, shall require, unless in all or in part are waived by the administrator or Commission, the submission of statements, studies and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or

reduced to acceptable limits and tolerances, including but not limited to the following:

1. Complete a socioeconomic study for the entire area encompassed by a 50 mile radius of the site. The study shall undergo peer review by three (3) qualified individuals, as mutually agreed upon by the County and the developer with at least one individual on the peer review team being from an accredited college or University in Idaho. The County may waive the requirement of an Idaho affiliated reviewer, if availability of such person is deemed a hardship to timely proceedings. At a minimum the socioeconomic study will include:
 - (a) Impact to residential development.
 - (b) Impact to commercial and industrial development.
 - (c) Impact to agriculture including crop land, fish propagation and livestock.
 - (d) Impact to public health and essential public facilities and services including highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools.
 - (e) Impact to real estate values.
 - (f) Impact to recreation and tourism
 - (g) Impact to fish and wildlife.
 - (h) Impact to traffic, noise, smoke, fumes, glare, odor, fog or smog
2. Developer shall submit a mitigation plan for economic costs of the proposed development.
3. Ground and surface water protection and enhancement:
 - (a) The developer shall have engineered a private waste treatment system reflecting the escape of zero pollutants to underground and above ground water resources based on the best available data on soil types, geology, depth to ground water and nutrient, chemical and biological information.
 - (b) The developer shall provide for the construction and use of adequate monitoring wells with samples analyzed at regular intervals with test results being forwarded to the appropriate local, state and federal agencies.
 - (c) The developer shall have engineered structures for fuel and commodity storage reflecting and providing for the escape of zero pollutants to underground and above ground water resources.

- (d) When applicable, the developer shall have engineered a solid waste landfill reflecting the escape of zero pollutants to underground and above ground water resources.
 - (e) When applicable, the developer will submit a dust remediation plan during construction and after construction when utilizing solid fuels reflecting no negative impact from these operations to above ground water resources.
 - (f) When applicable, the developer will submit a smoke stack remediation plan indicating that heavy metals, chemicals or biological contaminants being released from the stack will have no negative impact to above ground water resources and settling particulate mater will not leach into ground water.
- i. Measurement procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable conform to applicable standard measurement procedures by the American Society of Testing Materials (ASTM) or other appropriate authority.

DEFINITIONS:

POLLUTANTS: Chemical or biological agents that when introduced into the above ground or underground water supplies can be harmful to animals or plants.

INDUSTRIAL: Refers to the manufacture, processing, fabrication, and testing of goods and materials including the production of power. It does not refer to the growing of agricultural crops, the raising of livestock, or the extraction or severance of raw materials.

INDUSTRIAL , HEAVY:

- A. A use engaged in the basic processing and manufacturing of materials or products, predominately from extracted or raw materials.
- B. A use engaged in storage or manufacturing processes using flammable or explosive materials.
- C. Storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRIAL, LIGHT:

- A A use engaged in the manufacture, processing, fabrication, assembly, treatment and/or

packaging of finished products or parts, predominantly from previously prepared materials.

- B. Custom: Establishments primarily engaged in on site production of goods by hand manufacturing involving the use of hand tools and small scale equipment.
- C. Limited: Includes mechanical equipment not exceeding two (2) horsepower ^{or} of a single kiln not exceeding eight (8) kilowatts and the incidental direct sale to consumers of only those goods produced on site. Typical uses include custom bookbinding, ceramic studios, candle making shops, and custom jewelry manufacture.

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

January 3, 2006

**Representative Bruce Newcomb
Speaker of the House
Idaho State Legislature
State Capitol Building
P.O. Box 83720
Boise, ID 83720-0038**

Dear Representative Newcomb:

This Commission was formed by the county commissioners of Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls counties in 1992 to act as their voice in matters concerning water quality, quantity and the economics of water within this region. This Commission, when originally formed, recognized the deterioration of the Snake Plain Aquifer and in its original plan which was adopted by the counties in 1994 called for the institution of large scale ground water recharge within our region. We have been working toward that goal since that time to no avail. It seems it's hard to get peoples attention until a problem becomes a crisis. Needless to say, we have been following the efforts of the Water Resource Board and the Natural Resources Interim Committee with a great deal of interest and believe they are headed in the right direction. We support giving the Water Resource Board managerial authority of recharge within the state. We also support their initial budget proposal which is to be submitted to the legislature this year.

It is our understanding that the Natural Resources Interim Committee will cease to exist and we feel the work of the interim committee has not been completed. The Commission would like to see the committee reinstated to continue its efforts in investigate methods of financing recharge efforts in Idaho and to oversee the planning and development of recharge districts under the Water Resource Board. The public wants something to happen with regard to aquifer recharge other then simply more talk. They need to be shown that aquifer recharge will happen and what better way to show them then seeing legislators working along side others in the public and private sector toward that end.

Sincerely

Lew Pence, Chairman

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

January 3, 2006

**Senator Robert L Geddes
President Pro Tempore
Idaho State Legislature
State Capitol Building
P.O. Box 83720
Boise, ID 83720-0081**

Dear Senator Geddes:

This Commission was formed by the county commissioners of Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls counties in 1992 to act as their voice in matters concerning water quality, quantity and the economics of water within this region. This Commission, when originally formed, recognized the deterioration of the Snake Plain Aquifer and in its original plan which was adopted by the counties in 1994 called for the institution of large scale ground water recharge within our region. We have been working toward that goal since that time to no avail. It seems it's hard to get peoples attention until a problem becomes a crisis. Needless to say, we have been following the efforts of the Water Resource Board and the Natural Resources Interim Committee with a great deal of interest and believe they are headed in the right direction. We support giving the Water Resource Board managerial authority of recharge within the state. We also support their initial budget proposal which is to be submitted to the legislature this year.

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Sincerely

Lew Pence, Chairman

XO™ Web Site Hosting Web Mail

From: Randall Morgan <rmorgan@morganstar.com>
To: Bob Muffley <bmuffley@muffleyagency.myrf.net>
Subject: Petersen water wheel, invoice
Date: Mon, 19 Dec 2005 07:34:26 -0800

*Ask
Commissioner
No one knows*

Bob,

I have talked to an elderly man by the name of Jim Petersen, whose grandfather built a 35-ft diameter water wheel to lift irrigation water out of the canyon near Declo a few years before Milner Dam was built. The attached article from the South Idaho Press of July 1983 tells about it. Have you ever heard of this Petersen Water wheel and do you have any idea where I could get a good picture? It would make for an interesting comment in the introduction to irrigation segment, but it won't work without a clear photo. I've contacted the Idaho State Historical Society, but haven't heard back yet. I'm going out to see the site in January. The wheel itself is long gone, although Jim Petersen said that as a boy he had seen the foundation of it during low water.

Can you give me an approximate date of when the December 6 invoice will be paid? I believe the meeting at which it will be reviewed and approved for payment is this week. I need to let my accountant know when to look for it and make sure he gets it in the bank before he takes off for Christmas. Please remind whoever sends out the checks to send it directly to him. His name and address are on the invoice, but I'll repeat them here:

Morgan Communications, Inc.

C/O D. Monte Davis, PA

112 Broadway Ave. North

Buhl, ID 83316

(208)543-6550

Thanks, Bob.

Randall

Randall Morgan
Morgan Communications
208 490-0535
<http://www.morganstar.com>

Law Offices

***RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered***

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com*

December 7, 2005

Lew Pence, Chairman
Middle Snake Regional Water Resource Commission
122 5th Avenue West
Gooding, Idaho 83330

Re: Recharge Committee

Dear Mr. Pence:

Since receiving your letter, dated November 18, 2005, I have met with the co-chairmen of the Natural Resources Interim Committee as well as the full Water Board. I can report that we too have reviewed the recommendations of the Recharge Advisory Subcommittee and believe that they are on the right track. Furthermore, the Water Board is very willing to do what it can to facilitate the continuation of the Subcommittee, including adding the committee under its umbrella in some manner.

If you understand the Water Board, you then understand that it is only able to function so long as it is appropriately funded. We therefore must work hand in hand with the legislature to insure that we receive appropriate funding to insure success in our endeavors. We need to coordinate whatever we do in recharge with the leaders of the legislature. We believe we have started that process and will continue to work with them until such time as an appropriate answer and funding are forthcoming in order to enable the Water Board to help the Subcommittee function in a manner which will bring results.

I want you to know that every member of the Water Board is keenly aware of the dire circumstances we find ourselves in as far as the ESPA aquifer and litigation is concerned. We

Low Pence, Chairman
Middle Snake Regional Water Resource Commission
December 7, 2005

Page - 2

therefore want you to know that we stand ready to help in any manner we are able. We fully believe that this type of role is what was contemplated by the State when it first formed the Water Board.

Thank you so much for your continued efforts in such a worthy cause.

Sincerely yours,



Jerry R. Rigby

JRR:jt

cc: Hal Anderson, Idaho Department of Water Resources
F:\WP6\SB\WATERB.LT2

XO™ Web Site Hosting Web Mail

From: Randall Morgan <rmorgan@morganstar.com>
To: Bob Muffley <bmuffley@muffleyagency.myrf.net>
Subject: Invoice for filming 11/28-12/2/05
Date: Tue, 06 Dec 2005 23:30:41 -0800

Hi Bob,

We got a lot shot last week, and the snow was an added plus.

Donna Cosgrove cancelled (and so did the roads!), but I will interview her in January. I would estimate that we have completed over half of the shooting necessary. I will not be able to make it to your December meeting, but will plan to be there in January.

The invoice for last week is attached.

Thank you.

Randall
208/490-0535

Bill from Randall

<<Midsnake inv 12-1-05.doc (application/msword)>>

XO™ Web Site Hosting Web Mail

From: Muffley Realty and Insurance <bmuffley@muffleyagency.myrf.net>
To: <morgan@morganstar.com>
Subject: contract
Date: Thu, 10 Nov 2005 13:27:46 -0500 (EST)

Hi Randall:

Lew reviewed the contract proposal and would like clarification on what the cost of program copies for distribution and their packaging materials will be (price per copy). Lew would also like to change the wording in paragraph 5b of the contract to read:

The producer and client agree that the producer shall submit and the client shall pay invoices for work performed under this agreement periodically as work is accomplished subject to review and approval of work performed by the client at its regularly scheduled monthly meeting.

Let me know if this is OK with you and I will go ahead and change the document to reflect the change.

Thanks
Bob

*Correspondence to Randall
on contract*

XO™ Web Site Hosting Web Mail

From: Randall Morgan <randallsmorgan@sbcglobal.net>
Reply-To: <rmorgan@morganstar.com>
To: Muffley Realty and Insurance <bmuffley@muffleyagency.myrf.net>
Subject: Re: contract
Date: Thu, 10 Nov 2005 19:30:20 -0800 (PST)

Thanks, Bob. The change in wording is fine. I will check on prices and get back to you. It isn't very much--I would guess about \$5 per unit, but will check. Once we have the master disks, we can duplicate them in Twin. There are a couple of places and both are friends of mine so I may be able to get better prices than if you walk in off the street. I would set it up and you would deal with the duplicators directly. I'll check and let you know.

I'll be back in town at the end of the month and hopefully we can shoot some interviews.

Thanks.

Randall

Muffley Realty and Insurance <bmuffley@muffleyagency.myrf.net> wrote:

Hi Randall:

Lew reviewed the contract proposal and would like clarification on what the cost of program copies for distribution and their packaging materials will be (price per copy). Lew would also like to change the wording in paragraph 5b of the contract to read:

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Let me know if this is OK with you and I will go ahead and change the document to reflect the change.

Thanks
Bob

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Low Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

November 2, 2005

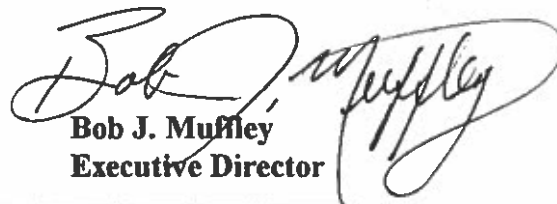
**Bill Hazen
Cooperative Extension Agent
203 Lucy Ln.
Gooding, Idaho 83330**

Dear Bill:

I have been asked by my commission to seek information concerning social and/or economic implications of locating a large coal fired power plant near a small community. The city of Jerome and the larger nearby city of Twin Falls have rapidly expanding economies at this time and the commission members are concerned about the implications, both social and economic, of locating a facility such as the one being proposed by Sempra near those already expanding communities. We are asking you or the university system to see if any socioeconomic studies have been done which may shed some light on this issue. The proposed facility is not only new for this region, but for the entire state and there are too many things we don't know. We are hoping studies have been done in other states which would help in the decision making process.

You are aware that this commission is the only local governmental entity which is directly charged with furnishing the county commissioners in our region with the best and most up to date economic information available. The problem in this situation is we really don't have a starting place. The commission will greatly appreciate any assistance they can get on this issue.

Sincerely


**Bob J. Muffley
Executive Director**

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

*Sent to all
Counties*

TO: Twin Falls County Commissioners

From: Lew Pence, Chairman

RE: Annual budget request for 2005-2006

DATE: 7/29/05

Enclosed is our budget request for 2005-2006. You will note that the budget is the same as last year. We are looking forward to a very busy year, but believe the amount will be sufficient to carry us through.

Last year, and I believe for many years to come, water quantity was the biggest issue. We met many times with the Idaho Department of Water Resources personnel on all the water quality issues that we are so dependent on. If not for this commission, we wouldn't have had valuable economic data regarding the actual cost of shutting down pumpers in the 6 counties. This information served us well both with the IDWR and the legislature. We have taken no position concerning the problems developing between the above ground water users and the ground water pumpers. Both are extremely important to our economic future. We believe, however, that the people of this region should be aware of the economic consequences of any decision regarding our water resource. Thanks to the spring rains we got a reprieve. At least for this year. Next year the Idaho Water Resource Board hopes to sign up farm pumpers under the CREP program. They hope to take over 100,000 acres of irrigated land out of production for 15 years. While this is probably healthy for the aquifer, it may very well have an impact on county budgets. It's too early to know how much impact there will be to individual counties. We will continue to work with the University of Idaho economic model to keep you informed when decisions are made.

We are still working with the Idaho Department of Environmental quality on the development of a DVD on the impact of small residential acreages on water quality. We are putting \$5,000.00 into the project and the counties will get recognition for their contribution. The DVD will highlight the problems that are occurring with the Rock Creek subdivision in Twin Falls county. The problems are the same being faced by other subdivisions in the region and should be a good learning film for local government, builders, developers, Realtors and the general public. The DVD not only points out the problems, but how they can be fixed as well as how they should have been addressed when the development was originally approved. The DVD is being produced by Randall Morgan who has done other videos for us in the past. If the DVD comes together as planned, it should be an excellent learning tool.

Randall Morgan is also helping us to develop a DVD on the water quantity problems within the region. The DVD will highlight the causes of our current water problems and its economic impact on the region. It will also address what we can do to help alleviate the problem such as recharge and water conservation through old and new technology. The commission has been concerned for several years about public apathy toward water in the region and hope this DVD will start making our current water situation more real to them. The cost of the DVD has been estimated at \$50,000. We don't have that kind of money, but feel sure others will want to contribute. We already have a \$5,000 commitment from the IDEQ.

We are also looking at possible water quality issues on the proposed coal fired power plant to be located in Jerome county. We are looking at this as a regional issue, but understand it will be the Jerome County Commissioners that have the final vote. We have no opinion good or bad with the proposed facility, but must address any possible water quality concerns. We may also look at sociological and economic impacts on the region. Our findings will be forwarded to our member counties.

Finally, we have completed revisions on the water quantity and authorization portions of the Coordinated Water Resource Management Plan. Bob Muffley is still working, however, on the economic portion of the plan. As soon as the economic portion has been updated, we will be going to public hearings. Once our hearing process is completed, the plan will go to each of our member counties for further hearings and hopefully adoption of the changes.

Thanks again for your support and if you have any questions or need the commission to work on specific issues in your county, let me know.

**MIDDLE SNAKE REGIONAL WATER
RESOURCE COMMISSION
BUDGET
2005 - 2006**

	2004/2005	2005/2006
Executive Director salary	\$5,400.00	\$ 5,400.00
Executive Director travel	500.00	500.00
Postage and supplies	1,000.00	1,000.00
Hearings, publications	1,940.00	1,940.00
Attorney Fees (if any)	1,000.00	1,000.00
Mileage Reimbursement	2,440.00	2,440.00
Special projects/ public education	<u>1,940.00</u>	<u>1,940.00</u>
TOTAL ANNUAL BUDGET	\$14,220.00	\$14,220.00

Anticipated carryover - About \$30,000.00

There is a substantial anticipated carryover. These funds were earmarked for projects in the past few years that for one reason or another never developed. During the next budget year, however, we intend to do a great deal of education throughout the region concerning both ground water quality issues and the need for recharge and water conservation. Water quantity issues are so critical this year that the commission may produce a TV ready video to help educate the public on this critical issue. The cost of such a film could be as much as \$50,000 and would feature experts from around the state and the region. Needless to say, we hope to receive financial help from other sources for the film. We also plan to work closely with the Idaho Department of Water Resources and the Idaho Department of Environmental quality on all educational efforts.

Budget request from each member county 2005/2006:	2004/2005	2005/2006
Cassia County	\$2,560.00	\$2,560.00
Gooding County	\$2,560.00	\$2,560.00
Jerome County	\$2,560.00	\$2,560.00
Lincoln County	\$1,380.00	\$1,380.00
Minidoka County	\$2,560.00	\$2,560.00
Twin Falls County	\$2,560.00	\$2,560.00
Total	<u>\$14,220.00</u>	<u>\$14,220.00</u>

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

February 24, 2005

**Karl J. Dreher, Director
Idaho Department of Water Resources
The Idaho Water Center
322 E. Front Street
Boise, ID 83720-0098**

Dear Mr. Dreher:

This commission has been studying your strawman funding proposal for the Eastern Snake River Plain for several weeks and found inconsistencies which we believe should be addressed. Your funding formula shows irrigation users paying at the rate of \$5.00/\$1.00 per acre while all others pay an amount per cfs. We believe, for consistency and fairness, all users should pay on a per permitted cfs basis since, under conjunctive management, everyone is drawing from the same resource. It also appears, under your current proposed formula, agricultural ground water users would be paying more than municipal, commercial or industrial users because, depending on soils, agricultural users can farm more than 50 acres with one cfs of water. Your formula should also take into consideration the fact that municipal, commercial and industrial users utilize water on a year round basis while farmers are limited to seasonal use. This implies that those pumping year round should pay at a higher rate than irrigated agriculture.

We understand the need to devise a funding mechanism to help mitigate damages to senior right holders and commend you for your efforts. We also believe, however, that the costs should be equitably shared by both groundwater user classifications and above ground water user classifications. This can best be accomplished by assessing a fair amount per cfs. This would also allow the Department to more easily collect the fees since the Department maintains these records. The counties we represent are apposed to placing any more unfunded mandates on the shoulders of the county treasurers and this is a possible outcome of charging fees on a per acre basis.

Please let me know if we can help you in this matter.

Sincerely

Lew Pence, Chairman

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

February 28, 2005

**Representative Douglas Jones
Idaho State Legislature
State Capitol Building
P.O. Box 83720
Boise, ID 83720-0038**

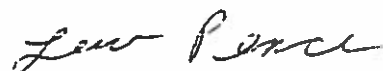
Dear Representative Jones:

Members of this commission along with several county commissioners who were present at our last meeting asked me to write to you regarding your recent effort for accountability when animal waste is spread on farm ground. You may remember that the county commissioners of Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls counties have adopted the Coordinated Water Resource Management Plan for the 6 county region. Goal B on Page 40 of that plan says "Improve the quality of return flows and groundwater." Objective BO1 under Goal B states "Reduce nutrients in runoff and leaching on crop land where livestock waste has been applied" and Strategy BO1.c under this objective states "Encourage the timely incorporation of livestock waste to reduce the potential of contaminated runoff". This commission defines timely as within 72 hours of spreading. We believe you are correct. Someone must be held responsible for the timely incorporation of livestock waste.

This commission understands that the dairy industry has a problem with forcing the farmers who receive their waste to file a nutrient management plan with the Idaho Department of Agriculture. Many farmers would simply no longer accept the waste. This should not, however, be reason enough to stop efforts to find a reasonable solution to this situation. Our region's groundwater as well as its above ground water resources are vulnerable and must be protected from poor farming practices.

We commend you for your efforts and would like to work with you, other legislators in the region, farmers and the dairy industry to find a solution to this growing problem.

Sincerely



Lew Pence, Chairman

**cc: Representative Bruce Newcomb
Representative Scott Bedke
Representative Sharon Block
Representative Maxine Bell
Representative Wendy Jaquet
Representative Donna Pence
Representative Leon Smith
Representative John "Bert" Stevenson
Representative Frances Field
Senator Dean Cameron
Senator Charles Coiner
Senator Denton Darrington
Senator Tom Gannon
Senator Clint Stennett**

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

TO: County Commissioners

FROM: Lew Pence, Chairman

RE: Eastern Snake Plain Aquifer legislative proposal:

DATE: February 2, 2005

The current legislative working group's proposal for action on the Snake River Plain Aquifer and the strawman funding proposal was one of the commission's topics of discussion during its January meeting. The commission found no problem with the proposed action items and are supportive of the state providing matching funds for the federal CREP program which would possibly take up to 100,000 acres of pumping land out of production by offering payments to the farmers ranging from \$80.00 to \$140.00 per acre. This program would, however, have an economic impact on our region by reducing the labor force. Laborers would no longer be hired by the farms being taken out of production and various industrial, commercial and retail labor forces would see an impact as well. The production value of taking 100,000 acres out of production is in the neighborhood of \$60,000,000. While no one likes to take this much production out of their economy, there appears to be little choice at this time. The impact would be spread throughout the region which should help to lesson the impact on individual counties.

the strawman funding proposal for the proposed action plan targets all water users in the our region. I have attached a copy for your review. It is obvious to the commission that a funding mechanism must be put into place if we are to begin addressing the ground water situation. One problem, however, is how are these funds going to be collected? The most likely way, as we see it, is putting the collection responsibility on the county treasurers. If this becomes the chosen method for collection, there would be an increase cost for the counties which should be compensated. We understand the commissioners will be meeting with the legislators this month and you may want to address this possibility with them. Another concern with the funding issue which was mentioned by commission members was the cost per acre vs. the cost per CFS (cubic feet per second). Farm pumpers are asked, under the proposal, to pay \$5.00 per acres while municipal, commercial and industrial users would pay \$250.00 per CFS. This means farmers would pay more then other ground water users. Some feel that all ground water users should pay an equal amount per CFS since all are drawing from the aquifer. If all costs to groundwater users are based on CFS, The Idaho Department of Water Resources could then be responsible for collecting fees

from all but the residential users since the Department is the permitting agency.

The pumpers in our region are impacted by the spring right holders in the Hagerman valley while pumpers to the east of this region are impacted by the various canal systems operating within our region. This makes the entire aquifer situation a little confusing. Our canal companies are indisputably the senior right holders to the springs feeding American falls and the commission supports their call for water. The commission, therefore, must also support the call made by the spring right holders in the Hagerman valley. The problem, however, is that there are some real grey areas with the Hagerman valley situation which, in the minds of the commission members, makes it nearly impossible to lump the two separate situations together. Our region also contains some of the oldest well rights in the state. Some of these well rights are senior to many of the rights held by the spring users. This makes the whole mitigation situation even more difficult. Our plan calls for the protection of senior right holders. It now becomes even harder to understand why all pumpers in our region are being lumped together for mitigation purposes. To add to the confusion, a spring right holder possessing both old and relatively recent priority dates have made their calls based on their oldest priority date even though it appears they are receiving sufficient water to fulfill the older right. We can only assume that eventually this questions will end up in court.

Finally, this commission has reviewed the aquifer model developed by the University of Idaho and believe the model is the best to date. Having said this, there are still a lot of problems with it. The model cannot tell us who is affecting whose water. It can be concluded from the model, however, that even if all pumping were eliminated, it would still take years for the aquifer to restore itself. The model also is not able to tell us the best locations for aquifer recharge. It does tell us, however, that the sites we have been looking at would probably not do the job. The IDWR will do a couple of small recharge efforts this year and these sites may give us some answers.

Because of the possible sever economic impact to our region on this issue, the commission will continue to monitor the situation as it develops and keep you informed.

Sincerely

Lew Pence, Chairman



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor
Toni Hardesty, Director

January 5, 2005

Lew Pence, Chairman
Middle Snake Regional Water Resource Commission
122 5th Ave. West
Gooding, ID 83330

RE: Comments on the DRAFT "Guidelines for Development of a Ground Water Monitoring Program for Recharge Projects"

Dear Mr. Pence:

The Idaho Department of Environmental Quality (DEQ) has received your comments on the draft "Guidelines for Development of a Ground Water Monitoring Program for Recharge Projects". Thank you for those comments.

DEQ and the Idaho Department of Water Resources (IDWR) met during the public comment period to discuss future steps in the development of these draft "Guidelines." At that meeting, the agencies agreed to jointly develop two example Monitoring Program Plans.

Currently, technical staff from both DEQ and the IDWR are developing examples of ground water Monitoring Program Plans for two anticipated recharge projects. These examples will provide a template for development of future ground water Monitoring Program Plans.

After development of the two ground water Monitoring Program Plans and review of the public comments, DEQ is planning on holding meetings with the commentors and interested parties to review these documents. It is anticipated that the ground water Monitoring Program Plans will be available for additional public comment in early 2005. We look forward to your continued participation in the development of Monitoring Program Plans and guidelines to protect ground water quality.

If you have additional questions, please contact Toni Mitchell or Dave Hovland in the Ground Water Program.

Sincerely,

A handwritten signature in cursive script that reads "Barry N. Burnell".

Barry N. Burnell
Water Quality Administrator

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

Lew Pence, Chairman

Bob Muffley, Executive Director

122 5th Ave. West

Gooding, Idaho 83330

PH: 208-934-4781 Fax: 208-934-5648

TO: Toni Mitchell % Belinda McFarland

FROM: Lew Pence, Chairman

DATE: November 24, 2004

RE: Additional comments on guidelines for recharge projects

The Middle Snake Regional Water Resource Commission has further reviewed the guidelines for aquifer recharge programs and has the following additional comment:

The guidelines, as written, appear to include incidental recharge. Our region has many canal systems which loose large amounts of water to the aquifer during the irrigation season and it would be impossible for canal companies and irrigators to comply with the guidelines. The Commission suggests that the document make clear that guidelines do not apply to incidental recharge by canals systems or private irrigation systems.

The aquifer gets substantial recharge from this source every year and has since the turn of the century with little or no impact to water quality. If canal systems were forced to line their systems to meet your recharge guidelines the aquifer would decline dramatically worsening the current shortage of water in the region.

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

November 23, 2004

**Mr. Brent Bowen
457 S. 200 W.
Burley, ID 83318**

Dear Mr. Bowen

On behalf of the Middle Snake Regional Water Resource Commission, I would like to welcome you as the new commission member from Cassia county. I'm afraid you will have some big shoes to fill. Retiring Cassia county commission member, Glen Larson, did a terrific job for the people of our six county region, working hard on both water quantity and water quality issues for the past eight years. He was also vice-chair of the commission.

Currently the commission is working on updating the water quantity, economic and authorization portions of the regional Coordinated Water Resource Management Plan. The water quality portion of the plan was updated 2 years ago. I have enclosed a copy of the planning document for your review. You should bring the plan with you to our upcoming meetings. The Commission meets on the third Wednesday of each month at the Twin Falls Planning and Zoning building located at 246 3rd Avenue East in Twin Falls. The meeting always begins at 1:00pm and usually last between 2 and 3 hours. You will receive an agenda and minutes of the previous meeting along with other pertinent information a few days prior to the meeting. You will be reimbursed for your mileage to and from the meeting at the current rate of 32 cents per mile. I have also enclosed a copy of the current commission membership. One county commissioner from each of the 6 counties make up the executive committee which is our governing board. Those individuals listed an the membership roster, other than county commissioners, are the commission members. We are working toward having two members from each of the six counties. Lew Pence of Gooding is the current chairman of the commission and Don Murray of Minidoka county is vice-chair.

The basic charge of the commission is to keep the county commissioners of our six county region fully informed as to the regions water quality and quantity issues. This means we work closely with various state and federal agencies that have an impact on water within the region. The commission is currently working with the legislators on their mitigation, recovery and restoration efforts for senior spring right holder in the Hagerman Valley. This commission was responsible for pointing out to the legislators the economic loss that would occur in the region if junior pumpers were curtailed. We are also working with David Blew of the Idaho Department of Water Resources to get some Kind of mechanism

put together for recharge activities in the region. Finally, the commission is working with Bill Allred of the Idaho Department of Environmental Quality to put together an education program for owners of small acreages within the region.

Once again, welcome to the commission and thank you for agreeing to serve. I look forward to meeting you at our next meeting.

Sincerely



Bob Muffley
Executive Director

XO™ Web Site Hosting Web Mail

From: "Blew, David" <David.Blew@idwr.idaho.gov>
To: "Bob Muffley (E-mail)" <bmuffley@muffleyagency.myrf.net>
Subject: Recharge
Date: Tue, 9 Nov 2004 15:03:21 -0700

Bob,

I have been trying to call but your phone has been busy. I apologize that I do not have anything to report yet. Lynn and I have had some discussion on the development of a local management group but we have not got into the details that we need to. I do know that Lynn has been talking with some members of the Idaho Water Resource Board to find out how they feel about being the governing body for local management organizations. I do not know what their reaction has been. I also hear through the grapevine that there are some other ideas out there related a local management organization for recharge and other water management activities. Some of the ideas would strengthen organizations already in existence (like Ground water district) and give them the authority to do some of the water management activities. To be honest with you, I am not sure where all of this is headed. I do know that since we began working on developing some type of local management organizations other people have also seen the need and have started working on their own ideas. I also know the director may have some of his own ideas about how to get the job done. I have not given up on the process that we started and I believe that our ideas to have relevance. I will keep you informed as I learn more.

My new phone number and email are in the signature block below.

David Blew, Aquifer Recharge Program Coordinator
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098
(208) 287-4840
david.blew@idwr.idaho.gov

**Middle Snake Regional
Water Resource Commission**

Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648

COPY

TO: Toni Mitchell % Belinda McFarland

FROM: Lew Pence, Chairman

DATE: November 3, 2004

RE: Comments on guidelines for recharge projects

The Middle Snake Regional Water Resource Commission has reviewed the guidelines for aquifer recharge programs and have the following comments:

1. The guidelines are expansive and we understand, as a statewide program, they must be. The commission, however, feels that following these guidelines would be extremely expensive and that expense would be unnecessary in many parts of the state. This commission prefers that the IDEQ develop guidelines which would be regional in scope. Each regional office could develop guidelines which would be specific to the contamination potential in each region. Canal systems in the Magic Valley have been recharging the aquifer since the canals were developed in the early 1900's and the aquifer has remained healthy. Some, if not most, of the canals loose as much as 30 to 40 percent during delivery. Nutrient loads have started to increase in some areas of the region, but this can usually be traced back to poor crop rotation and the tremendous increase in large scale dairy operations.

Our region's water resource management plan which has been adopted by Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls counties specifically speaks to the recharge issue. It States:

1. Monitor levels of biological, chemical and physical contaminants of water being used for recharge prior to and during recharge
2. Recommend the use of recharge basins to insure proper filtration prior to reaching ground water.
3. In areas where direct recharge occurs, insure the water quality is monitored prior to

injection.

4. Encourage the use of good quality recharge water to improve water quality.

Our plan, as it speaks to recharge, is simple when compared to your, but would give participants room to interpret the requirements based on a particular situation.

2. There may be a very short window of opportunity when recharge water becomes available. This could be a few weeks or a few days. A lost opportunity could have far reaching economic implications. Your plan is not clear about how much of a site specific project could be approved well in advance to the availability of water.

3. Rather than increasing the sot of recharge efforts, the IDEQ should look for ways the department can offer its expertise. Your guidelines, as written, would increase the cost to the point that recharge may not be feasible. This is silly since unmonitored canal systems recharge tremendous amount of water each year to no impact.

4. (Guideline 6.4.6.) This appears to be complete overkill for our region. Recharge water would be available either before or after the irrigation season and much of the water being utilized would be flood water being released by the upper storage dams into the river. There is very little, if any, likelihood that most of the constituents you mention would be present in the water being recharged. If recharge is to become viable in our region, which it must, the IDEQ must get more realistic in its requirements.

Thank you for giving us the opportunity to comment on the recharge guidelines and we look forward to working with you on their refinement.

**MIDDLE SNAKE REGIONAL
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

September 28, 2004

**Mr. Daryle R. James
Wood River Watershed Advisory Group
P.O. Box 223
Hailey, ID 83333**

Dear Mr. James:

Thank you for your groups interest in the possibility of forming a recharge authority in South Central Idaho. This commission, along with David Blew of IDWR and many others have been working toward this goal for many months . I have forwarded your letter to David Blew with our recommendation that your group's expertise in water quality matters would be a welcome addition to our group effort.

Sincerely



Lew Pence, Chairman

**Wood River Watershed Advisory Group
P.O. Box 223
Halley, Idaho 83333**

September 23, 2004

Dear Concerned Parties:

Please find enclosed a statement of resolution from the Wood River Watershed Advisory Group. As indicated in the statement, the Wood River Watershed Advisory Group supports the concept of recharge of the Eastern Snake Plain Aquifer. We are also willing to be an active participant in any ongoing discussion concerning this matter.

If you wish to contact me for any reason, please feel free to contact me at the above address or at my home phone which is 788-2231.

Thank you in advance for your participation in this most beneficial activity.

Sincerely,



Darvie R. James
Chairman - Wood River WAG

Cc:
Wood River WAG Executive Board

**Wood River WAG
Proposed Recharge Recommendation**

At the April W.A.G. meeting the total Snake River Recharge potential was explained by Mr. Allen Merritt from the Idaho Dept. of Water Resources and Mr. Jeff Martin from the North Snake Ground Water District. Recharge from surplus Wood River sources is significant because from Richfield to the Malad Canyon, the Wood River parallels, and is at an elevation above major spring flows that drain into the Snake River.

At the May meeting the W.A.G. members discussed the recharge issue particularly Wood River potentials and problems. A committee was appointed to prepare a policy statement for W.A.G. review and possible adoption. That policy and action recommendation follows.

"The Wood River W.A.G. supports the concept of recharge of the Eastern Snake Plain Aquifer. Declining Aquifer levels effect spring flows, and in turn river flows which impact its ability to meet beneficial uses as outlined in the TMDL process. The W.A.G. encourages and supports legislators to draft legislation which will enable recharge activities to be accomplished using excess flows above what is required to fill all existing stock, irrigation, hydro power, and municipal rights within the Wood River, Camas and Malad River Drainage."

The Wood River W.A.G. proposal is that the excess flow amount should be determined by conferences involving all current Wood River Water users plus those interests responsible for water quality and environmental standards and water administration within the Wood River drainage.

The Wood River W.A.G. offers their assistance in the organization of a representative committee to initiate a proposal to use excess flow levels and is willing to participate in such a committee. The duties of the planning committee should include:

1. Propose a reasonable and defensible excess flow level at a defined flow measurement station (or stations).
2. Propose the necessary Water Resource Department and/or legislative actions that are needed to give legal standing to the determined flow.
3. Prepare a proposal to assist the Department and/or legislative actions.

Copies of this summary and resolution shall be provided to:

1. The Idaho Department of Water Resources, Boise and Twin Falls
2. The North Snake Ground Water Pumpers District, Jerome office
3. The Legislators who represent Blaine, Gooding, Lincoln, Jerome, Camas, Cassia, Minidoka, and Twin Falls counties
4. Idaho Power Company, Boise headquarters office
5. Representatives of the Snake River Aquaculture industry
6. Bureau of Reclamation - Snake River East office, Burley
7. Mid Snake Water Commission - Bob Muffley, Chairman, Gooding
8. Cities of Shoshone, Gooding, Wendell, Jerome, Twin Falls, Burley, Rupert, Hailey, Ketchum, Bellevue, Sun Valley, Carey, Richfield, Fairfield
9. Fish & Game, Jerome office

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From: "Blew, David" <dblew@idwr.state.id.us>
To: "Bob Muffley (E-mail)" <bmuffley@muffleyagency.myrf.net>
Subject: Report on Water Recharge Efforts
Date: Wed, 6 Oct 2004 13:23:08 -0600

<<Report on Water Recharge Efforts to the MSRWRC_.doc>>

Bob,

Here is a breif report on recharge. Lynn and I are still trying to find time to get together and flesh out his proposal. We are currently in the process of moving to our new office so we aren't getting a lot done other than packing. Lynn and I have also been tasked to write portions of the CREP proposal. We have talked about the aquifer managment authority and Lynn's wife is currently drafting some "flesh" for the skeleton. We hope to get together by the end of the month to finish the draft.

There are still lots of questions about funding that I just don't have the answers to. I am not sure at this point that anyone has the answers to where the money will come from. I also am aware that the Director has some ideas about local organizational structure so I need to make sure that whatever I do is done with his approval. We will keep working on this because I believe that everyone agrees there has to be some local entity with large representation to undertake recharge and other water management activity. I have to much effort into this quit now.

If you have any questions, give me a call.

David Blew, Aquifer Recharge Program Coordinator
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
(208) 327-5443
dblew@idwr.state.id.us

<<Report on Water Recharge Efforts to the MSRWRC_.doc (application/msword)>>

October 6, 2004
Report on Water Recharge Efforts
David Blew
Idaho Department of Water Resources

Development of a local recharge entity

Lynn Tominga is currently working on a more detailed draft of his proposed Aquifer Management Authority. Some of the issues that still need to be addressed is how funding would be provided to pay for recharge and other water management activities. We hope to have a draft ready soon to present to the working group for their review. We will also be seeking some guidance from Director Dreher on the proposal. We need to make sure that what we propose will be within the framework of the overall plan for the Easter Snake River Plain.

DEQ Draft Guidance Document for Recharge Monitoring

The Idaho Department of Environmental Quality has issued a draft document entitled Guidelines for Development of a Ground Water Monitoring Program for Recharge Projects. IDEQ requires an approved monitoring plan for recharge sites prior to the commencement of recharge activities. The Idaho Department of Water Resources is currently reviewing the document and preparing comments for IDEQ. Anyone wishing to view the document and make comments can find it on line at:

http://www.deq.state.id.us/news/september_04/sep14_04a.htm

The press release that accompanies the document states that it was developed in conjunction with IDWR. **All IDWR has done to date is review one draft document and we may or may not agree with the content of the proposal. We do not believe that our limited participation to date constitutes "consultation" and the statement in the press release does not characterize our participation to date.**

MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

**Lew Pence, Chairman
Bob Muffley, Executive Director
122 5th Ave. West
Gooding, Idaho 83330
PH: 208-934-4781 Fax: 208-934-5648**

TO: Legislative Interim Committee Members

FROM: Lew Pence, Chairman, MSRWRC

SUBJECT: Regional Recharge and other issues

DATE: 7/23/04

The Middle Snake Regional Water Resource Commission was founded in 1992 for the purpose of creating a coordinated water resource management plan dealing with water quality and quantity issues within the Middle Snake region. Part of the commission's responsibilities are to work with state and federal agencies involved with water quality and quantity issues within this region. Another, even larger, role the commission plays is keeping its member counties fully informed as to actions taken or needed to be taken to protect the region's water resources and the local economy.

In 1995, with the adoption by our six counties of the water quantity portion of the Coordinated Water Resource Management Plan, the counties recognized the importance ground water recharge would have in maintaining the economic viability of the region. Objective 4 of the plan states "Maintain and enhance flows in the region's streams, springs and underground water supply." Strategy a. under this objective states, "Work with the Department of Water Resources and the state legislature to form artificial recharge districts where feasible." Needless to say, this didn't happen. If it had, we might not be in our present situation. I find it's hard for people to get excited about water until their tap runs dry. I'm afraid that this commission is no less to blame. There were so many, we believed, more immediate issues concerning our water resources that we failed to follow through with our own planning document by not pressuring the IDWR and the legislature to create a system for recharge in the Middle Snake region.

We have now reached a point that necessitates a crisis management approach. We must, however, make sure the decisions that are made are the best decisions for both the short and long term. In this regard, and after consulting with the county commissioners in our region, we recommend that a recharge authority be established in this and other regions of the state. These regional authorities should have the ability to make decisions and fund the development of recharge sites, purchasing water for recharge when necessary, and all other necessary water saving measures within the region. Further, we recommend that the legislature adopt new laws, if necessary, to form the recharge authorities, which we believe should be made up of various water user groups, municipalities and county governments as

well as the creation of a statewide funding mechanism for such entities.

This commission and our member county commissioners have been struggling with the recharge issue for over a year and the funding of a recharge authority is the largest single stumbling block. The commission now believes that a funding mechanism must be created that includes such things as pumping districts, spring right holders and domestic and stock water users contribute proportionately to the amount of ground water being used by each. A funding structure such as this can only be established through legislative action.

Other areas that should be looked at by this interim committee is whether or not, in the short term, the call by spring right holders is futile. Paragraph 5 under the policy statement of the regional water quantity plan says, "Encourage the establishment of rules for conjunctive management that recognize the constitutional provision of FIRST IN TIME IS FIRST IN RIGHT unless, in the short term, strong scientific evidence and or local economic data suggest that a call for water by a senior right is futile." The commissioners interpret this to mean that junior right holders should not be shut down if the senior right holder would still be unable to get their full share or if the damage to the regional or state economy would override the interest of the senior right holder in the short term. The economic criteria is not part of current law, but possibly this should now be addressed.

Finally, the regional plan recognizes that during periods of extreme drought, the first in time provision may need to be modified. Objective 3 states, "Promote the equitable management of the region's water resources. Strategy d. under that objective states, "Support percentage decreases phased in by priority date, for ground water pumping based on the reasonable anticipated average rate of future natural recharge, which the counties recognize is the recharge from tributary basins, precipitation, Snake River losses, tributary streams and canal losses." This approach would require the director of IDWR to establish the percentage increase or decrease in the anticipated average rate of natural recharge on an annual basis and reduce or increase pumping by the same percentage. This is nothing more than canal companies have always done with their annual supply of water.

The Middle Snake Regional Water Resource Commission and the counties it represents look forward to working with you on this most important issue.