

## water user agreement and other info

From: bmuffley@muffleyins.com

Sent: Thu, Jul 13, 2017 at 3:25 pm

To: Sonny Buhidar @ Twin Falls DEQ

scan.pdf (28.2 MB)

Hi Sonny

Dan Suhr said you should have a copy of the Water User Agreement and other information on the aquifer so I attached it to this email. The Water User Agreement, is an agreement between pumpers and canal companies in the Eastern Snake Plain Aquifer. It is a legal and binding agreement. To that end the ground water districts forced all pumpers to put measuring devices on their wells and report their water usage each year. If the goal to save 240,000 Acre Feet of water per year is not met, there will be serious consequences. The Idaho Water Resource Board is also committed to a recharge program that will put 250,000 acre feet into the aquifer each year, if sufficient water. This year they have recharged almost 700,000 acre feet because of the huge amount of runoff.

Since all pumpers on the Eastern Snake Plain must reduce their uptake, only a part of that amount will directly benefit the Mid-Snake reach. Currently, however, much of the water from recharge will directly benefit our region because some of the best recharge sites are located in our six county region. The overall goal is to get the aquifer levels back to the 1991 - 2001 average.

For the best information on how the Mid-Snake could benefit from both scenarios you can contact Vince Alberti of Twin Falls at 208-734-6346 or retired representative Bert Stevenson in Rupert at 208-431-4105. Both individuals are members of the Idaho Water Resource Board and very knowledgeable about the aquifer.

Hope this helps.

Bob

-----Original Message-----

From: "Bob Muffley" &lt;bmuffley@muffleyins.com&gt;

Sent: Thursday, July 13, 2017 5:06am

To: "Bob Muffley" &lt;bmuffley@muffleyins.com&gt;

Subject:

## RE: Showing the 2 Letters from the Commission to the WAG

From: Balthasar.Buhidar@deq.idaho.gov

Sent: Fri, Jun 30, 2017 at 12:10 pm

To: bmuffley@muffleyins.com

Cc: Balthasar.Buhidar@deq.idaho.gov

---

Thank you, Sir. Appreciate your cooperation.

Balthasar B. Buhidar, Ph.D.  
Regional Water Quality Manager  
Twin Falls Regional Office  
650 Addison Avenue West, Suite 110  
Twin Falls, Idaho 83301  
Phone: (208) 736-2190  
Fax: (208) 736-2194  
Email: [Balthasar.buhidar@deq.idaho.gov](mailto:Balthasar.buhidar@deq.idaho.gov)

-----Original Message-----

From: [bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com) [mailto:[bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com)]

Sent: Friday, June 30, 2017 10:10

To: Balthasar Buhidar

Subject: RE: Showing the 2 Letters from the Commission to the WAG

Hi Sonny:

You bet. I think the brief history is important to all and the video clearly shows how bad the river was compared to how it looks now. Let me know if we can help in any way.

I'm going through some old files from 1995 and found some interesting letters on DEQ's proposed plan. I'm going through all letters sent to or from the commission during the early 90's to see what else I find.

Bob

-----Original Message-----

From: [Balthasar.Buhidar@deq.idaho.gov](mailto:Balthasar.Buhidar@deq.idaho.gov)

Sent: Tuesday, June 27, 2017 7:27pm

To: [bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com)

Cc: [Balthasar.Buhidar@deq.idaho.gov](mailto:Balthasar.Buhidar@deq.idaho.gov)

Subject: Showing the 2 Letters from the Commission to the WAG

Bob:

Are you fine with the Mid-Snake WAG reviewing the two letters that were send to DEQ and EPA? The next Mid-Snake WAG Meeting is on July 11, 2017. I plan on showing the video "Action on the River".

Thanks.

Balthasar B. Buhidar, Ph.D.  
Regional Water Quality Manager  
Twin Falls Regional Office  
650 Addison Avenue West, Suite 110  
Twin Falls, Idaho 83301  
Phone: (208) 736-2190  
Fax: (208) 736-2194  
Email: [Balthasar.buhidar@deq.idaho.gov](mailto:Balthasar.buhidar@deq.idaho.gov)

# **MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION**

**Lew Pence, Chairman** (pence5302@msn.com)

**Bob Muffley, Executive Director**

**122 5<sup>th</sup> Ave. W**

**Gooding, Idaho 83330**

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

June 22, 2017

Christine Psyk  
Acting Director - Office of Water & Watersheds  
USEPA Region 10  
1200 6<sup>th</sup> Avenue  
Mail code WW-192  
Seattle, WA 98101

Dear Ms. Psyk:

The Middle Snake Regional Water Resource Commission represents the county commissioners of Cassia, Gooding, Jerome, Lincoln and Twin Falls in south-central Idaho. All except Lincoln County border the Middle Snake River. Reluctantly this commission followed the lead of the Mid-Snake WAG and sent a request to the Idaho Department of Environmental Quality asking that the current TMDL be reopened. I say reluctantly because we believe the current TMDL is working well given the hydrologic profile of the river.

I believe a little history into the establishment of the TMDL for the Mid-Snake is important to all parties. The predecessor to this commission was the Middle Snake Study Group. The study group was formed in 1989 and represented the counties of Gooding, Jerome, Lincoln and Twin Falls. It was this group, made up of county commissioners and their appointees, who recognized that 80 years of hard use had put this section of the Snake River at risk. This recognition didn't come because of any effort by the EPA. As a matter of fact, the study group had to use its political influence with Idaho congressmen and others to get the EPA to look at this section of the river in the first place. The EPA, at this time, had little or no interest in the condition of the Middle Snake. It was also members of the study group who furnished the boat and guides so the EPA could take their original samples. This action by the study group led to the cooperative development of the original TMDL by the EPA, DEQ, WAG, county commissioner and the public.

Between 1989 and 1992, developers were proposing hydroelectric facilities on the five remaining rapids in this section of the river. A hydrologist from CH2M Hill, out of Boise, was hired by a developer proposing to build such facility at Boulder Rapids. The hydrologist, however, gave an oral report to the study group describing how the rapids helped clean this section of the river and said that, if the remaining rapids were developed, the river would be a swamp within 20 years.

He also told us that this part of the river is no longer free flowing through much of the year, because of storage facilities in the upper Snake and the fact that nearly all water in the river stops at Milner dam. He concluded that sediments already deposited, over the many years of hard use, would remain in the Mid-Snake for many years to come. The Federal Energy Regulatory Commission (FERC), at the time, held a public hearing for another proposed hydroelectric facility at Star Falls on the Mid-Snake. The study group, commissioners and many members of the public filled the hearing room, speaking against the development of the falls, and FERC agreed. Their ruling essentially killed the other proposed developments and 27 years later, the Middle Snake is far from being a swamp.

The counties also developed a water quality plan, now incorporated in the Coordinated Water Resource Management Plan, which was adopted by the counties in 1992 and continually updated since that time. The approved plan established this commission, whose long term goal is to improve water quality throughout the region. The commission does this by education and cooperative efforts with point and nonpoint source water users, and the public. All county zoning ordinances must also recognize the plan and use it when revising their ordinance and entertaining requests for special use permits. There is none other like our commission in Idaho and, I would venture, few in the nation.

Several of the original member of the Middle Snake Study Group are still serving as member of this commission and can attest to the continued betterment of the river since a TMDL was first established. These improvements can be attributed to the actions of both point and nonpoint source contributors in the region. You must remember there is 80 years worth of sediment build up in the river which, because of upstream developments, can't simply be washed away. Consideration must also be given to recent agreements that will result in increasing spring flows to their 1991-2001 levels. You need to see what the Middle Snake looked like in 1989 so I recommend you go into our web site [www.midsnakewater.org](http://www.midsnakewater.org) and click on Video. The first describes the history of the region and the river as it was in 1989. The second describes the problem and actions to be taken, while the third video discusses the complexity of our region's water.

If the TMDL is opened, this commission and the counties we represent will closely follow the proceedings. We assume your agency will maintain a spirit of cooperation during the process. Be assured we are serious about protecting our water quality as well as the continued economic viability of our region.

Sincerely

  
Lew Pence, Chairman

good to watch

From: bmuffley@muffleyins.com

Sent: Tue, Jun 20, 2017 at 3:29 pm

To: Sonny Buhidar

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Hi Sonny:

while looking for old material I looked at videos produced by the Middle Snake Study Group back when this all started in the early 90's. the videos graphically describe the river at that time and it's really something to see. I was on a boat with Governor Andrus when we got stuck in the middle of the river. I recommend the WAG look at these to see how far we have come since that time. One even talks about the proposed hydroelectric facilities that were killed and describes why.

all you need to do is go into youtube and search on midsnakewater. The first video is "Before and after" and the second is "Action on the Mid Snake" Both of These were by the Middle Snake Study Group. A third video was produced by our commission and is called "Waters Above and Waters Below" which describes the complexity of water quantity issues in our region.

Bob

## RE: draft letter to EPA

From: [bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com)

Sent: Thu, Jun 15, 2017 at 4:34 pm

To: [Balthasar.Buhidar@deq.idaho.gov](mailto:Balthasar.Buhidar@deq.idaho.gov)

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That's good new. Let me give you another bit of history from 1990:

You should know that in 1990 a hydrologist from CH2M Hill out of Boise, While working on a proposed hydro project for Boulder Rapids went against his employer and reported to us that if we allowed this and four other hydro projects that were in the pipeline to happen, the Mid-Snake would be a swamp within 20 years. He said that there are deep holes in the river below each of the remaining five rapids and if the projects went in, the holes would no longer exist. He said, at the time, these holes were nothing like they once were because this part of the river is no longer free flowing and never would be because of the storage dams in the upper Snake and the fact that water stops at Milner. He believed that nutrients and settlement deposited, over the years, would probably remain in this reach for a very long time. To him it was imperative that all the proposed hydro projects be stopped. The Study Group and county commissioners forced FERC to hold a hearing on the Star Falls proposed project and after the hearing the proposed hydro plant was killed. The proposals at the other four rapids quickly died.

If, what he told us is true, and I believe it was, our problems in this reach of the river can't and won't be solved by current permit holders. The problem is simply there and it won't change until all the dams are removed from the middle and upper Snake.

This isn't going to happen. this tells me we will be dealing with plant growth no matter how stringent you make the TMDL. The good news is that after 27 years, because of our actions in 1990, the river is still not a swamp. By the way, the Hydrologist was fired by the developers after giving us his report.

Bob

-----Original Message-----

From: [Balthasar.Buhidar@deq.idaho.gov](mailto:Balthasar.Buhidar@deq.idaho.gov)

Sent: Thursday, June 15, 2017 1:54pm

To: [bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com)Cc: [Balthasar.Buhidar@deq.idaho.gov](mailto:Balthasar.Buhidar@deq.idaho.gov)

Subject: RE: draft letter to EPA

No, but not yet. I have received a summary report from Idaho Power Company of low flows from 1909 through the present on an annual basis. Additionally, DEQ has made contact with USGS who plans to provide us with flow information relevant for the TMDL after we've had DEQ-WAG discussions.

Balthasar B. Buhidar, Ph.D.  
Regional Water Quality Manager  
Twin Falls Regional Office  
650 Addison Avenue West, Suite 110  
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From: [bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com) [mailto:[bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com)]

Sent: Thursday, June 15, 2017 10:56

To: Balthasar Buhidar

Subject: RE: draft letter to EPA

Hi again:

Thanks for the info, but I'm afraid I have one more question for you. is DEQ and the EPA working off any type of hydrologic report describing the behavior of the Mid-Snake

between Milner and the Bliss dam?

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Subject: RE: draft letter to EPA

Bob:

A number of ways to consider NEPA in light of a permit issuance.

Two permit issuances come to mind: (1) FERC and (2) NPDES. FERC deals with hydroelectric power; while NPDES deals with direct dischargers to receiving waters. FERC and NPDES are both federal permits and I've had some experience with both. The federal permit is obtained by the federal agency (FERC and EPA) for a specified period of time (e.g. 5 years, 15 years, 25 years, etc.). One provision is to potentially do an environmental assessment to define those environmental issues that may cause detriment to the beneficial uses of the receiving water and / or other resources and to allow degradation within certain limitations. Another provision would be to define the economic impacts to facilities and/or an industry to comply with provisions / terms and conditions. What defines these provisions? There are federal guidance documents that help to define the provisions.

Once issued to the federal agencies, and this is assuming the federal agencies have complied with all NEPA requirements, permits are issued to individual facilities under the provision that the individual permits will be complying with all provisions of the overall permit that has been negotiated to meet water quality standards or other terms and conditions. This means that individual permits issued under the overall permit do not have to go through NEPA consultation UNLESS the permittee is seeking an activity that is outside the provisions of the overall permit.

Now, a TMDL (Total Maximum Daily Load) is not a permit, is not a substitute for NEPA, but is the State's process for bringing together point sources and nonpoint sources in defining impaired waters that will meet water quality standards (for either numeric or narrative) based on the TMDL development components of wasteload allocations and load allocations, respectively.

That's about as much as I can tell you.

Balthasar B. Buhidar, Ph.D.  
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Twin Falls Regional Office  
650 Addison Avenue West, Suite 110  
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From: [bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com) [mailto:[bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com)]  
Sent: Tuesday, June 13, 2017 10:45  
To: Balthasar Buhidar  
Subject: RE: draft letter to EPA

Sonny:

Thanks for your comment. I will work on this. I have another question. I skimmed the NEPA act and it seems to me that, if a rule is proposed that has serious economic ramification to a local area, the EPA must then Work with the local leaders and the

state to do an environmental Assessment. They would also need to consider any local or state plans during this process. It also appears to me that the culmination would be an EIS. NEPA is one of the primary reasons our commission was formed. I am also having a member of our commission, who is an attorney, take a look at this. what are your thoughts on this?

Thanks

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Sent: Monday, June 12, 2017 3:40pm  
To: [bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com)<<mailto:bmuffley@muffleyins.com>>  
Cc: [Balthasar.Buhidar@deq.idaho.gov](mailto:Balthasar.Buhidar@deq.idaho.gov)<<mailto:Balthasar.Buhidar@deq.idaho.gov>>  
Subject: RE: draft letter to EPA

Bob:

My suggestion would be to tone down the 2nd and 3rd sentence in the first paragraph. A more diplomatic approach would be suggested. The rest is fine.

Remember, these are just suggestions. Thank you for the opportunity to provide some input.

Balthasar B. Buhidar, Ph.D.  
Regional Water Quality Manager  
Twin Falls Regional Office  
650 Addison Avenue West, Suite 110  
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[<mailto:bmuffley@muffleyins.com>]  
Sent: Friday, June 09, 2017 10:54  
To: Balthasar Buhidar  
Subject: draft letter to EPA

Hi again:

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Sent: Friday, June 9, 2017 5:44am  
To: "Bob Muffley" <[bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com)<<mailto:bmuffley@muffleyins.com>>>  
Subject:



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Subject:



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502  
www.deq.idaho.gov

C.L. "Butch" Otter, Governor  
John H. Tippets, Director

June 9, 2017

Lew Pence, Chairman  
Middle Snake Regional Water Resource Commission  
122 5<sup>th</sup> Ave. W.  
Gooding, ID 83330

RE: Your letter of June 1, 2017 asking that DEQ reopen the Middle Snake TMDL

Dear Mr. Pence,

We are aware of and appreciate the Middle Snake Regional Water Resource Commission's and its member's long-standing involvement in water quality protection in the Magic Valley. While we share your reaction to EPA's heavy-handed approach, we also share your belief that it is in our mutual best interest to engage in the TMDL revision process and craft a better TMDL.

For this reason, DEQ thanks you for your support in reopening the Middle Snake TMDL for total phosphorus loading to address recent concerns raised by EPA. We look forward to your help in this endeavor.

Sincerely,

A handwritten signature in blue ink that reads "Barry N. Burnell".

Barry N. Burnell  
Water Quality Program Administrator

BNB:DAE:lf

c: Sonny Buhidar, Water Quality Scientist, Twin Falls Regional Office  
TRIM file: 2017AKV50

# MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

Lew Pence, Chairman (pence5302@msn.com)

Bob Muffley, Executive Director

122 5<sup>th</sup> Ave. W

Gooding, Idaho 83330

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

June 1, 2017

Barry Burnell  
Water Quality Division Administrator  
1410 N Hilton  
Boise, ID 83706

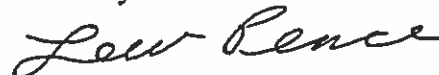
Dear Mr. Burnell:

The Middle Snake Regional Water Resource Commission, representing the counties of Cassia, Gooding, Jerome, Lincoln and Twin Falls, following the lead of the Mid-Snake WAG, ask that DEQ reopen the Total Maximum Daily Load limits (TMDL) on the Middle Snake.

We believe the EPA has crossed the line with threats made to permit holders in the region and thus, made this a political matter. We also believe, however, the best way for our counties to exert influence is through the TMDL revision process. The predecessor to our commission was the Middle Snake Study Group. The study group was formed in 1989 and represented the counties of Gooding, Jerome, Lincoln and Twin Falls. It was this study group, made up of county commissioners and their appointees, that used its political influence with an Idaho congressman and others to get the EPA to look at this section of the river in the first place. The EPA, at the time, had little or no interest in the condition of the Middle Snake. It was also members of this group who furnished a boat so the EPA could take their original samples. This action led to the cooperative development of the original TMDL by the EPA, DEQ and the public.

Several of the original members of the Middle Snake Study Group are still serving with this commission and can attest to the betterment of the river since a TMDL was first established. These improvements can be attributed to the actions of both point and nonpoint source contributors in the region. While we concur with DEQ and the Mid-Snake WAG that the current TMDL is working, we also believe, in the short term, it may be in the best interest of the region to reopen the TMDL. The threat by the EPA to unilaterally adopt extreme measures on permit holders, while out of line, seems very real. Be assured we will use whatever political means available to this commission to ensure a cooperative spirit by the EPA during this process.

Sincerely



Lew Pence, Chairman

*also sent To Senators*

## comments on S1068 (invasive species)

From: bmuffley@muffleyins.com

Sent: Tue, Feb 21, 2017 at 5:37 pm

To: sbedke@house.idaho.gov, mbell@house.idaho.gov, shartgen@house.idaho.gov,  
ckauffman@house.idaho.gov, lclow@house.idaho.gov, smiller@house.idaho.gov,  
fwood@house.idaho.gov, stoone@house.idaho.gov

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The Middle Snake Regional Water Resource Commission was pleased to see the introduction of S1068. This bill and its sponsors put all of Idaho on notice as to how serious this problem is or could become if certain species are introduced. It also stresses the need to take effective action when discovered.

Our commission member, however, are always skeptical of additional layers of bureaucracy when what we truly need is more money spent on protection from, and eradication of, Invasive species. A fee on boat owners alone can't accomplish this goal. Invasive species can impact everyone in Idaho and we should all share the cost through the general fund. At the very least the fee could be expanded to include all RV's and ATV's which can also transport invasive species.

We stated in earlier correspondence that those working with the invasive species program at the Dept. of Ag work hard and seem to really care. These dedicated individuals need help. They also need a pay scale compensatory with their huge responsibility. A little extra now could save the people of this state millions of dollars in the future.

Lew Pence, Chairman

RE: revised water quality plan

From: Art Brown

Sent: Mon, Feb 6, 2017 at 2:05 pm

To: bmuffley@muffleyins.com

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Bob

Jim Schlund will be taking Jack Nelsen position on the Middle Snake River Commission.

His email address is cs-crafts@q.com, phone # 324-2448 & cell is 420-2211. His address is 230 Bob Barton Road, Jerome, Idaho 83338.

Art

-----Original Message-----

From: bmuffley@muffleyins.com [mailto:bmuffley@muffleyins.com]

Sent: Monday, February 06, 2017 11:32 AM

To: Ami Bennett; Art Brown; Dan Suhr; Dean Edgar; Duane Turner; Gale Kleinkopf; Irene Nautch; Kerry McMurray; Mary Davidson

Subject: revised water quality plan

Attached is the latest revised water quality portion of the plan. I'm sending it as a word document so you can make any revisions you think are necessary and bring them to the next meeting.

Bob

Sent To all  
Legislators

## **MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION**

**Lew Pence, Chairman** (pence5302@msn.com)

**Bob Muffley, Executive Director**

**122 5<sup>th</sup> Ave. W**

**Gooding, Idaho 83330**

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

January 17, 2017

Senator Anthon Kelly  
PO Box 83720  
Boise, ID 83720-0081

Dear Senator Kelly:

We want to thank each legislator in our region for the great job you did last year by increasing funding for recharge on the Eastern Snake Plain Aquifer (ESPA). Stabilizing the aquifer is one of the most important efforts you could make for the health of our regional economy. This commission has been pushing for recharge since 1994.

We also want to thank you for your support of the invasive species program under the Idaho Department of Ag. While there are only a few people in the Department working on this program, they work hard and really care about the introduction, containment and eradication of these species. Our hats are off to them. We strongly believe, however, that their funding needs to be increased to allow certain check stations to be staffed 24/7. There are some major corridors into the state which are highly traveled at night. Two such corridors in our region are highway 93 on the Idaho/Nevada border and 1-84 at the Idaho/Utah border. Both Nevada and Utah are known to have quagga mussels infestations.

Perhaps our biggest concern this year is the storage of highly radioactive material at the I.N.L. by the D.O.E. The D.O.E. is completely out of compliance with the 1995 agreement with Idaho. It seems to us that the Department isn't taking the agreement seriously. The commission was grateful when Attorney General Wasden wouldn't sign off on the transfer of a small quantity of waste to the I.N.L. for study because the D.O.E. was out of compliance with the agreement. Governors Andrus and Batt had a reason for forcing the settlement agreement. 900,000 gallons of highly radioactive liquid waste is being stored in single wall tanks over fractured basalt just above the ESPA. The Department assures us that there is no leakage from the tanks, but for how much longer. This year a double wall tank began leaking at the Hanford site in Washington. Especially concerning to us was a statement that they were no longer going to monitor certain wells at the site because they always test at high levels anyway.

We are also concerned by the announcement that the D.O.E. wants to install, in conjunction with



a Utah power company, up to seven experimental mini reactors at the I.N.L While we have no problem with nuclear energy, we wonder how smart it is to place experimental plants just above one of the nations most productive "sole source" aquifers. An aquifer which flows into the Snake River from American Falls to the Hagerman valley? Surely there are sites in Utah where the risk would be far less. We now believe, for the security of the Magic Valley economy and the health of its citizens, Idaho's elected officials must do everything in their power to enforce the settlement agreement of 1995 and stop the D.O.E. from locating experimental mini reactors at the site.

Thanks again for your support over the years.

Sincerely

Lew Pence, Chairman

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

**Lew Pence, Chairman** (pence5302@msn.com)

**Bob Muffley, Executive Director**

**122 5<sup>th</sup> Ave. W**

**Gooding, Idaho 83330**

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

August 17, 2016

Gary Spackman, Director  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098

Dear Director Spackman:

The Middle Snake Regional Water Resource Commission representing the counties of Cassia, Gooding, Lincoln, Jerome and Twin Falls, agrees with you that the ESPA including its tributaries should be considered a ground water management area. We have mined the ESPA far too long and now there is no choice but to use all the tools necessary to conserve and enhance this valuable resource, a resource that is the basis for the economy of the Magic Valley.

The Commission also believes that all who are part the problem with the ESPA should be part of the solution. A basin wide ground water management area for the ESPA, which includes all tributary basins, is a good start.

Thank you for your efforts.

Sincerely

Lew Pence, Chariman

## RE: Thanks \* chromium \*\* Hot lettuce?

From: Tami Thatcher

Sent: Fri, Jul 1, 2016 at 1:08 am

To: bmuffley@muffleyins.com

Bob,

Hope you are getting adequate fishing time in. But in case you need to get in out of the sun, here's some reading: Here is the July EDI newsletter. I write about hexavalent chromium and other things. If you ever want to look at the IDEQ's drinking water:

The Idaho Department of environmental quality has drinking water data at the "switchboard."

<http://www.deq.idaho.gov/pws-switchboard> on this page go to "sample results."

Bring up the county of interest <http://dww.deq.idaho.gov/IDPDWW/> and then select the community well or city location.

Then on the left, select "chem./rad results by analyte".

Scroll down to Chromium (or other). Press enter to look at the lab results. Don't believe the "zero" or "blank" results. The very low "reporting level" also does not jive with what is actually used as the "reporting level." I don't find very thoughtful people at IDEQ involved with drinking water. Maybe you will have better luck.

I also find that the gross beta results are often very high for the Magic Valley compared to say Boise or Idaho Falls. And that the very high gross alpha results don't make sense. Why is there very little natural uranium yet elevated gross alpha? Thorium levels could be high but the DW data don't show it. I'm not an expert on these matters; but things don't seem to add up.

Here is evidence of 1960 well monitoring in the Magic Valley, but not the data:

Here's an interesting 1960 report: <https://inldigitallibrary.inl.gov/PRR/164409.pdf#search=Minidoka%201960>

This shows 1960 wells in the Magic Valley (MV) and says the aquifer moved 35 feet /day or 2.4 miles/year. At roughly 60 miles from INTEC to Minidoka, this would put the waste at Minidoka in a big way by 1977. But some fast paths could have moved faster and some waste will move slower. No well data is given. But it doesn't say no contamination was present.

The extent to which Nevada weapons tests or INL airborne fallout contributed to soil contamination, I can't be sure. But there are a dozen reports, environmental reports for the INL that list off-site sampling of wheat and lettuce. Minidoka is the only southern sampling location they mention - they never use Jerome, for example. But every single report that lists lettuce strontium-90 sampling for Minidoka - the sample, every single time, is "no analysis." I can see this for 1980, 1982, 1995 - basically it is always, "Yes we have no green lettuce - we have no green lettuce today" - or any day for Minidoka (or Dietrich either) when it comes to INL environmental monitoring. Isn't that odd? And its scary because the reports admit to some pretty darn hot lettuce in Atomic City and other places.

Here's what I know: You will never get a straight answer to why the lettuce is never sampled from any IDEQ or DOE minions. I find myself wishing there was some way to put these idiots under oath to testify. This may have more to do with airborne soil contamination than the aquifer - although well water with elevated gross beta is due to strontium would add to the soil contamination. This elevated strontium-90 that would show up if the lettuce was tested is in no way due to natural uranium or thorium in rock. This is weapons testing, INL airborne, aquifer contamination to soil by pumping contaminated water to the surface or some combination of all three.

So this is food (lettuce) for thought. . .

Sincerely,

Tami Thatcher

-----Original Message-----

From: bmuffley@muffleyins.com [<mailto:bmuffley@muffleyins.com>]

Sent: Monday, June 20, 2016 2:50 PM

To: Tami Thatcher

Subject: RE: Thanks \* chromium

You are the first person we have spoken to that has even mentioned Chromium and I'm wondering why. We are still trying to assess the risks to the region and things seem to be moving faster then our information gathering. We know nothing about pre 1990.

Thanks and keep in touch.

Bob

-----Original Message-----

From: "Tami Thatcher" <[tzt@srv.net](mailto:tzt@srv.net)>

Sent: Monday, June 20, 2016 4:27pm

To: [bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com)

Subject: RE: Thanks \* chromium

Bob,

More about hexavalent chromium at these links.

[http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/Chromium6.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Chromium6.shtml)

Since 2004, California's MCL for hex chrome is 10 microgram/liter. And public health goal 0.02 microgram/liter.

As I've said, I don't see Idaho DEQ comprehending the hex chromium problem from the INL INTEC/Test-Reactor-Area plume. It seems that to them anything under 100 microgram/liter is A-OK.

I find much less data available before 1987 - do you have information on chromium trends prior to the 1990s?

Tami

-----Original Message-----

From: [bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com) [<mailto:bmuffley@muffleyins.com>]

Sent: Friday, June 17, 2016 10:59 AM

To: [tzt@srv.net](mailto:tzt@srv.net)

Subject: FW: Thanks

-----Original Message-----

From: [bmuffley@muffleyins.com](mailto:bmuffley@muffleyins.com)

Sent: Friday, June 17, 2016 12:42pm

To: [tzt@srv.net](mailto:tzt@srv.net)

Subject: Thanks

Hi Tami:

I'm writing to thank you once again for traveling to Twin Falls to speak with us. You gave us a lot of food for thought. I can't believe that over the years we assumed the state was protecting us through the 1995 agreement. So much for putting your faith in politicians and political appointees. I'm surprised anyone trusts the D.O.E.

Bob

## Mid-Snake Commission Meeting

From: Irene.Nautch@deq.idaho.gov

Sent: Wed, Jun 15, 2016 at 6:40 pm

To: bmuffley@muffleyins.com

Cc: Amy.Williams@deq.idaho.gov, Kathryn.Elliott@deq.idaho.gov, Michael.Brown@deq.idaho.gov

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image001.gif (3.1 KB)

Hi Bob,

I am so sorry I didn't make it to the meeting. Was home sick most of the day.

I did want to respond to a few things that were in the May minutes on Page 2.

The last sentence of the first paragraph is not exactly what I meant to say. There was a lot of focus being placed on an ordinance for protection, and I was trying to also emphasize the importance of outreach and education about where our drinking water comes from and potential contaminant sources. Source water protection is most effective on a local level when both regulatory and non-regulatory measures are implemented. Education is a critical component but not the only one.

Second paragraph- Reread this several times and it seems we were getting a little ahead of ourselves and off track. Often there seemed to be a disconnect on what was being discussed – assessment, protection plan, ordinance development, or enforcing an ordinance. So please forgive me if the following comments add to the disconnect rather than the opposite. Regarding the comments about data needs and availability - Source water assessment information involves water quality data only in the susceptibility rankings for each well. The modeling inputs to produce the delineations are hydrogeological- physical data, not chemical/biological. The assessment also provides information on all kinds of potential sources of contamination of varying risk. I'm not saying that water quality data may not also be a valuable tool down the road informing decisions. The fact is source water protection ordinances have been put in place by cities and other counties using the delineations from these models because they want to prevent degradation of either good water quality or

somewhat impaired water quality as in the nitrate priority areas. Looking at soil types and soil permeability might be more important than water quality in a county where the quality is generally good. My point is you may not need water quality data to provide justification that a source water protection ordinance is needed. Once there is an ordinance, I think in most cases, the decision on a proposed land use development or expansion is not necessarily a yes or no, but a qualifying yes with site specific mitigating measures that may be required to protect water and health. You may certainly want to look at data at some point in the process and if there are specific monitoring data needed, they can be requested from DEQ, or other agency. There is also the EDMS database (administered by IDWR) that includes data from all the state agencies, which I agree is not very user friendly. There are also a ton of reports on specific areas and regions that DEQ and other state agencies make accessible or can be requested. Public water system wells are sampled regularly and that data is made available on the DEQ website.

Third paragraph- I don't remember asking where you got the current source water plan since I know that it was a template used for many plans, including Jerome's and others. So if I did, that was my mistake. Mike's comment just refers to the fact that we are using a different and updated template – he's probably not as familiar with the older plans. I agree the Commission should get recognition for their work, absolutely. It would be helpful to know in what ways you would like the Commission and the water plan to be recognized. If DEQ has been thoughtless in that regard, I will do what I possibly can to see that it is corrected.

## ***Irene Nautch***

*Regional Drinking Water Protection Coordinator  
Idaho Department of Environmental Quality  
650 Addison Ave W Suite 110  
Twin Falls, Idaho 83301  
Phone: (208) 736-2190  
Fax: (208) 736-2194*

NITRATE PRIORITY AREA	DEQ REG	ACRES	SQ. MILES	POPULATION	SITES	MAX NO3	AVG NO3	MEDIAN	PWS	SWA	# >= 2 mg/L	% >= 2 mg/L	# >= 5 mg/L	% >= 5 mg/L	# >= 10 mg/L	% >= 10 mg/L	TREND	SCORE	RANK
MARSH CREEK	TRNO	98728	154	17977	398	40.00	7.16	6.43	43	354	89	89	256	64	91	23	Incr. Trend	27.28	1
WEISER	BRO	25370	40	7501	131	41.50	13.21	12.00	23	116	89	89	107	82	77	59	No Trend	24.78	2
LINDSAY CREEK	LRO	28360	44	2269	67	21.00	5.64	4.12	17	42	63	63	29	43	17	25	Incr. Trend	20.91	3
ADA CANYON	BRO	252038	402	198458	1092	49.80	5.29	4.07	303	813	74	74	445	41	138	13	No Trend	19.83	4
FORT HALL	PRO	23881	37	1780	8	23.60	12.76	12.35	5	8	100	100	6	75	4	50	No Trend	19.75	5
BLACKFOOT	PRO	41540	65	3218	30	16.00	4.68	4.03	29	25	83	83	13	43	2	7	Incr. Trend	19.51	6
GRANDVIEW	BRO	5994	9	549	35	100.00	12.19	9.00	2	35	100	100	30	86	13	37	No Trend	19.00	7
BRUNEAU	BRO	13818	22	39	5	110.00	33.12	21.80	0	4	80	80	4	80	3	60	No Trend	18.60	8
NE STAR	BRO	3150	5	297	88	54.00	11.35	7.49	6	61	69	69	51	58	38	43	No Trend	18.58	9
BLACK CLIFFS	PRO	1030	2	493	26	28.68	10.61	9.75	18	18	69	69	16	62	13	50	No Trend	18.48	10
MOUNTAIN HOME	BRO	1663	3	408	45	40.00	11.17	8.07	5	38	84	84	26	58	16	36	No Trend	17.88	11
MOUNTAIN HOME AFB	BRO	9242	14	3250	37	29.20	7.20	5.60	9	33	89	89	22	59	8	22	No Trend	16.93	12
PRESTON	PRO	124409	194	11120	72	23.80	4.74	4.01	24	47	65	72	29	40	9	13	No Trend	16.90	13
CLEARWATER PLATEAU	LRO	359306	561	4347	215	77.10	7.24	4.30	27	155	72	72	93	43	50	23	Decr. Trend	16.90	14
MAJID LAKE	IFRO	129404	202	1916	80	15.20	3.92	3.87	13	57	71	71	21	26	6	7	No Trend	16.02	15
N. POCAHELLO	PRO	7239	11	24542	32	12.30	4.19	4.08	44	25	78	78	10	31	2	6	No Trend	15.71	16
ASHTON/DRUMMOND	IFRO	162473	254	2564	191	47.00	7.25	6.62	20	168	88	88	135	71	32	17	Decr. Trend	15.51	17
GLIENNS FERRY	BRO	6692	10	600	47	60.00	9.74	2.43	12	26	55	55	20	43	15	32	No Trend	15.45	18
MARSHING	BRO	16781	26	1496	17	73.30	11.62	5.13	3	10	59	59	9	53	4	24	No Trend	15.23	19
MINN CREEK	PRO	1976	3	715	40	21.00	4.84	3.00	32	26	65	65	14	35	8	20	No Trend	15.05	20
TWIN FALLS	TRNO	359150	561	76284	618	41.00	5.18	4.80	88	540	87	87	288	47	35	6	Decr. Trend	14.69	21
PARMA	BRO	7057	11	1063	19	14.50	4.58	2.10	4	10	53	53	8	42	1	21	No Trend	14.26	22
NOTUS	BRO	2674	4	188	7	16.00	5.79	6.70	1	5	71	71	4	57	1	14	No Trend	13.67	23
MAJID	PRO	22379	35	2803	13	17.00	4.86	3.77	3	8	62	62	5	38	2	15	No Trend	13.64	24
SOUTH FLEMONT CO.	IFRO	147501	220	18612	337	83.00	5.45	4.26	69	230	68	68	140	42	30	9	Decr. Trend	13.36	25
LAPWAL CREEK	LRO	34214	53	982	15	10.30	4.74	4.80	10	12	80	80	7	47	1	7	No Trend	12.65	27
HOMEDALE	BRO	5585	9	478	24	16.00	4.16	2.05	1	13	54	54	10	42	3	12	No Trend	12.48	28
GEORGETOWN/BENNINGTON	PRO	17764	28	795	22	13.30	4.72	4.89	4	15	68	68	11	50	2	9	No Trend	12.46	29
GRACE	PRO	152954	239	2977	69	37.20	4.54	3.20	16	46	67	67	18	26	5	5	No Trend	12.34	30
LOWER PAYETTE	BRO	28567	45	8755	246	61.00	5.91	4.11	39	169	68	68	103	42	38	15	Decr. Trend	11.96	31
BUSS	TRNO	6791	11	67	29	45.00	5.25	3.17	0	19	66	66	10	34	5	17	No Trend	11.72	32
EMMETT NORTH BENCH	BRO	11928	19	865	53	22.80	3.87	2.80	3	33	62	62	13	25	5	9	No Trend	11.39	33
PURPLE SAGE	BRO	16389	26	4032	120	27.00	5.28	4.55	24	92	77	77	55	46	11	9	Decr. Trend	10.74	34
TOTAL		213830	3342	402397	4244				903	3261			2013		691				
Increasing Trend																			
No Trend																			
Decreasing Trend																			

Table 1. 2014 ranked nitrate priority areas with score components.

# 2014 NPA Delineation and Ranking Process

Rank Year	AREA NAME	DEQ Region	Acres	Square Miles	Population	Total Shes	MAX. NO3	Ave. NO3	MEDIAN	#<=2.00	%<=2.00	#>=5.00	%>=5.00	#>=10.00	%>=10.00	#PWS/SWA	TREND	SCORE	RANK
2002	Burley/Marsh Crk	TFRO	169563	265	11,767	224	20.00	6.36	5.8	205	88	140	60	40	17	33	Increase	26.50	3
2008	Cassia	TFRO	193280	302	17,525	384	40.00	6.34	5.74	331	86	224	58	65	17	48	No Trend	20.32	9
2014	Marsh Creek	TFRO	98788	154	17,977	402	40.00	7.16	6.43	358	89	258	64	91	23	43	Incr. Trend	27.28	1
2002	Lindsay Creek	LRO	28160	44	1,273	45	18.6	4.74	3.8	25	56	18	40	9	20	16	No Trend	14.12	22
2008	Lindsay Creek	LRO	28360	44	2,269	67	21	5.64	4.12	42	63	29	43	17	25	17	Incr. Trend	20.91	3
2014	Lindsay Creek	LRO	28360	44	2,269	67	21	5.64	4.12	42	63	29	43	17	25	17	Incr. Trend	20.91	3
2002	Blackfoot	PRO	15360	24	1100	15	16	6.98	5.64	15	100	9	60	3	20	13	No Trend	15.00	20
2008	Blackfoot	PRO	41540	65	3218	30	16	4.68	4.03	25	83	13	43	2	7	29	Incr. Trend	19.51	6
2014	Blackfoot	PRO	41540	65	3218	30	16	4.68	4.03	25	83	13	43	2	7	29	Incr. Trend	19.51	6
2002	Rupert	TFRO	116780	182	25,132	236	100.00	5.60	4.4	183	78	104	44	18	8	29	No Trend	19.60	9
2008	Minidoka	TFRO	147200	230	18,395	319	83.00	5.35	4.32	224	70	131	41	27	8	56	No Trend	17.25	12
2014	Minidoka	TFRO	147501	230	18,612	337	83.00	5.45	4.26	230	68	140	41	30	9	69	Decr. Trend	13.36	25
2002	Payette	BRO	30509	48	2725	74	23.4	6.5	5.6	52	70	39	53	15	20	15	No Trend	18.10	10
2008	Lower Payette	BRO	26880	42	6718	119	28	6.05	4.74	83	70	57	48	22	19	25	No Trend	17.70	11
2014	Lower Payette	BRO	28587	45	8755	246	61	5.91	4.11	169	68	103	42	38	15	39	Decr. Trend	11.96	31
2002	Purple Sage	BRO	14080	22	2835	87	22.7	5.26	4.61	66	76	38	44	9	10	25	No Trend	15.00	20
2008	Purple Sage	BRO	16399	26	4032	120	27	5.28	4.55	92	77	55	46	11	9	24	Decr. Trend	10.74	34
2014	Purple Sage	BRO	16399	26	4032	120	27	5.28	4.55	92	77	55	46	11	9	24	Decr. Trend	10.74	34
2002	Twin Falls	TFRO	244229	382	47,687	303	30.50	5.30	4.90	281	93	132	44	17	6	59	Incr. Trend	26.70	2
2008	Twin Falls	TFRO	379520	583	63354	605	41.00	5.20	4.80	536	89	288	48	34	6	88	Incr. Trend	24.78	1
2014	Twin Falls	TFRO	359150	561	76284	618	41.00	5.18	4.80	540	87	288	47	35	6	88	Decr. Trend	14.69	21

Table 2. Selected comparisons between ranking periods.



## Recharge water quality section in CWRMP

From: Irene.Nautch@deq.idaho.gov

Sent: Tue, Jun 14, 2016 at 3:32 pm

To: bmuffley@muffleyins.com

Cc: Michael.Brown@deq.idaho.gov

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image001.gif (3.1 KB)

Hi Bob,

I see that for tomorrow's meeting you are reviewing the water quality section on managed recharge on page 43 of your Coordinated Water resource Management Plan. With regard to addressing public concern for water quality, you might consider including DEQ's role in requiring and approving a ground water quality monitoring plan for managed recharge projects. Here is link to the guidance for developing a plan. [http://www.deq.idaho.gov/media/522432-recharge\\_guidance\\_0610\\_revision.pdf](http://www.deq.idaho.gov/media/522432-recharge_guidance_0610_revision.pdf)

Excluded from this requirement is incidental recharge from canals, surface water seepage, certain waste lagoons, mining, wastewater land applications, or recharge water using injection wells (UIC permitted by IDWR, and DEQ comments on their required monitoring). DEQ believes the importance of monitoring not only the recharge water but also ground water in the area of potential impact to protect domestic wells and public water system wells. Greatest risk is from biological contaminants. The guidance is currently under review for a revision.

In the *Wastewater Rules* (IDAPA 58.01.16), Section 600 applies to *Land application of Wastewater (s) or Recharge Waters*, which authorizes DEQ to approve ground water quality monitoring programs for aquifer recharge projects by land application. This rule can be viewed at the following Web site: <http://adm.idaho.gov/adminrules/rules/idapa58/0116.pdf>

DEQ has an obligation to review monitoring programs for recharge projects, to ensure that ground water will not be degraded and that negative impacts will not occur to a beneficial use of ground or surface water. DEQ may also review the recharge project method of application, site-specific conditions, and source of recharge water to ensure compliance with the *Ground Water Quality Rule* (IDAPA 58.01.11). This rule can be viewed at the following Web site: <http://adm.idaho.gov/adminrules/rules/idapa58/0111.pdf>

The IWRB and IDWR recharge sites MP-31 and Shoshone are operating under DEQ approved monitoring plans. Over a year ago now, DEQ worked with City of Gooding and they have an approved monitoring plan for which they drilled two monitoring wells down gradient from their site. DEQ recently approved a monitoring plan for a small recharge site near Howell Creek in Cassia County.

***Irene Nautch***

*Regional Drinking Water Protection Coordinator*

*Idaho Department of Environmental Quality*

*650 Addison Ave W Suite 110*

*Twin Falls, Idaho 83301*

*Phone: (208) 736-2190*

# Memo

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

---

**TO:** Cassia County Commissioners  
**SUBJECT:** Approval of proposed budget  
**ATTENTION:**  
**DATE:** 6/2/16  
**FROM:** Bob Muffley, Exec. Director

*Sent To all  
counties*

---

Enclosed is the proposed budget for the Middle Snake Regional Water Resource Commission for 2016 to 2017. Please review the budget and if you are in agreement, I need you to sign the enclosed approval of budget form and return it in the enclosed envelope. The amount for you county's support of the commission is shown on the budget and I ask the amount be included in your new county budget for 2016 to 2017.

Thanks and if you have any questions or concerns regarding the budget, give me a call.

## Comments on Sen. Davis Vs. Attorney General

*Correspondence*

From: bmuffley@muffleyins.com

Sent: Thu, Mar 24, 2016 at 1:14 pm

To: Bert Brackett, Clark Kauffman, Donna Pence, Fred Wood, Jim Patrick, Lance Clow, Lee Heider, Maxine Bell, Michelle Stennett, Scott Bedke, Stephen Hartgen, Steven Miller

---

Letter to A.G..pdf (1.1 MB)

Lew Pence, chairman of the Middle Snake Regional Water Resource Commission and its commission members are in complete agreement with Attorney General Wasden's stand on the I.N.L.'s desire to send spent nuclear fuel rods to their facility. Attached is a letter we sent to Mr. Wasden in October of last year thanking him for his action and explaining why clean-up at the site is a priority for the Magic Valley. The terms of the 1995 agreement are just as important now as they were in 1995. The Doe needs to clean up the site and the agreement is the only tool we have to make sure it gets done.

*positive comments back from*

- 1. Jim Patrick - chair of Senate Committee on Human Resources*
- 2. Donna Pence*

# Memo

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

---

**TO: Lincoln County Commissioners**  
**SUBJECT: Expired county appointee to commission**  
**ATTENTION:**  
**DATE: 3/24/16**  
**FROM: Bob Muffley, Executive Director**

---

I must notify you that the 4 year term of appointment for Wendell Johnson has expired. Wendell represented your county planning and zoning commission when initially appointed. The bylaws of the commission call for two appointees from each county. One appointee shall represent the county planning and zoning commission and one appointee is "at large". Neal Bowman is currently your "at large" representative. Your new appointee may either be a member of your planning and zoning commission or its executive director. The new appointee will serve a 4 year term of office and we would like he or she to have some knowledge of water issues in the county or region, but it is not required. The new member should also be prepared to attend one meeting per month which is always scheduled for the Twin Falls County Office Building in meeting room A on the third Wednesday of each month. The commission will pay mileage for the appointee to attend these meeting at the maximum business mileage allowed by the I.R.S. Meetings begin at 1:00pm and usually run for approximately 1 ½ to 2 hours.

Once you have identified and approved an appointee please let me know. I will then send out appointment ballots to all member counties.

Thanks and let me know if you have questions.

## Comments on Sen. Davis Vs. Attorney General

From: bmuffley@muffleyins.com

Sent: Thu, Mar 24, 2016 at 1:14 pm

To: Bert Brackett, Clark Kauffman, Donna Pence, Fred Wood, Jim Patrick, Lance Clow, Lee Heider, Maxine Bell, Michelle Stennett, Scott Bedke, Stephen Hartgen, Steven Miller

---

Letter to A.G..pdf (1.1 MB)

---

Lew Pence, chairman of the Middle Snake Regional Water Resource Commission and its commission members are in complete agreement with Attorney General Wasden's stand on the I.N.L.'s desire to send spent nuclear fuel rods to their facility. Attached is a letter we sent to Mr. Wasden in October of last year thanking him for his action and explaining why clean-up at the site is a priority for the Magic Valley. The terms of the 1995 agreement are just as important now as they were in 1995. The Doe needs to clean up the site and the agreement is the only tool we have to make sure it gets done.

# **MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION**

**Lew Pence, Chairman** (pence5302@msn.com)

**Bob Muffley, Executive Director**

**122 5<sup>th</sup> Ave. W**

**Gooding, Idaho 83330**

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

October 27, 2015

The Honorable Lawrence G. Wasden  
Office of the Attorney General  
700 W Jefferson St., Suite 210  
P.O. Box 83720  
Boise, Idaho 83720-0010

Dear Attorney General Wasden:

My commission members asked me to write to urge you to stand firm with the Department of Energy, but instead I get to thank you for holding the line on the 1995 agreement. This commission has been somewhat naive. We assumed the Super Fund cleanup was progressing as stipulated. You can imagine our concern when we discovered it was not. We recently had conversations with Susan Burk of IDEQ and Beatrice Brailsford with the Snake River Alliance, and what we heard from them, as well as various news articles, was disturbing.

Most of our people and the entire one billion dollar agricultural economy of the Magic Valley is completely dependant, one way or another, on the Eastern Snake Plain Aquifer. It supplies a tremendous amount of our drinking water and stock water, and irrigates, either through the aquifer or the Snake river, nearly all of the farm ground in the region. The commission discovered years ago, the interaction between the aquifer and the Snake River. This occurs all the way through the upper and middle Snake system. Much of the water for Twin Falls Canal Company comes from springs flowing into the river near American Falls, and most of the other canals in the region depend on the river flows. If the springs become contaminated, so does the river. This is bad for the entire state.

The D.O.E. must stay focused on the clean-up of the site and should never be allowed to make us the defacto nuclear waste dump for the nation. We question the need for research on even small quantities of commercial nuclear fuel rods. No one has explained to us what the researchers hope to find. We already know the rods are highly radioactive because power plants are using them longer. If the material is to be pyroprocessed, it creates nuclear bomb material which should never be done at the I.N.L. facility. We believe that given an inch they'll take a mile, and try to convince us it's an economic benefit to do so. Ten to twenty million dollars is nothing compared to the economic damage that would occur if the aquifer becomes polluted.

We ask that the state remain ever vigilant with regard to the 1995 agreement and the demands it places on the D.O.E. It was, and remains, extremely important to the people of Idaho. Over the years, the D.O.E. and the I.N.L. have done little or nothing to earn the trust of the people of Magic Valley.

Sincerely

Lew Pence, Chairman

# Memo

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

---

**TO: Jerome County Commissioners**  
**SUBJECT: Annual Assessment/ reappointments**  
**ATTENTION:**  
**DATE: 4/23/15**  
**FROM: Bob Muffley**

---

My records indicate that Jerome county has not paid its annual assessment for membership in the Middle Snake Regional Water Resource Commission. The original bill sent to the commissioners in January is attached.

I also need your written permission to place Jack Nelsen and Dan Suhr on a ballot for reappointment to the commission. Both member will need to be reappointed this year.

Thanks and let me know if you have any questions.

# Invoice

MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION  
Bob Muffley, Executive Director  
122 5<sup>th</sup> Ave. West  
Gooding, ID 83330  
PH: 208-934-4781

Date	Invoice #
	1

Bill To

Jerome County Commissioners  
300 N Lincoln RM 300  
Jerome, Idaho 83338

*Second request*

Description	Amount
Annual Membership Assessment Budget Period: 2014 - 2015  NOTE: Checks payable to Gooding County Tax Payer #82-6000300  For the Account of: Middle Snake Regional Water Resource Commission	\$2,922.00
	<b>Total \$2,922.00</b>



*Also sent To Governor Batt*

## **MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION**

**Lew Pence, Chairman** (pence5302@msn.com)

**Bob Muffley, Executive Director**

**122 5<sup>th</sup> Ave. W**

**Gooding, Idaho 83330**

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

Cecil Andrus  
P.O. Box 852  
Boise, ID 83701

Dear Governor Andrus

The Middle Snake Regional Water Resource Commission is a regional commission formed by the counties of Cassia, Gooding, Jerome, Lincoln and Twin Falls counties in 1992. The Commission was formed to advise the counties on all water quality and quantity issues in the five county region. We also speak for the counties when working with federal, state and local agencies as well as the public. The commission members have asked me to write both you and Governor Batt concerning the transfer of nuclear waste for research purposes to the I.N.L. This commission fully supported your efforts to stop shipments of nuclear waste for the purpose of storage to the site and creating a time line for the Department of Energy to remove the material that was already there. We want you to know that you are not alone and we also support your efforts to stop new shipments of nuclear waste to the I.N.L. under the guise of research.

People residing upstream from the I.N.L., certain elected officials and the Department of Energy always seem to forget those of us living downstream from the site when money is involved. For a few million dollars, they are willing to risk the lives and livelihood of over 100,000 people as well as 40% of the agricultural products sold in the state. Idaho ranks fourth in the nation for milk production and 70% is produced in the Magic Valley. We can't understand why the current governor would want to put that at risk for a few jobs in eastern Idaho.

Our region's concerns are twofold. First we are concerned with the transportation of the waste material and second the storage of this material in a seismically active region of the state. People tend to forget that one of the states most valuable resources, the Snake Plain Aquifer, is just beneath the surface of the I.N.L and it flows in a southwesterly direction. We who live downstream over this fantastic water resource can't forget.

It's good to know that after all these years you both still care about our great state. We want you

to know we are in your corner. Idaho still needs you.

Sincerely

Low Pence, Chairman

Formed by a Joint Powers Agreement between the counties of  
Cassia, Gooding, Jerome, Lincoln and Twin Falls

<Katie.Shewmaker@deq.idaho.gov>  
 Cyanobacteria Training Workshop - April 16, 2015  
 04/10/2015 03:45:20 PM  
 <doug.megargle@idfg.idaho.gov>, <jensen@phd5.idaho.gov>, <reblanc@phd5.idaho.gov>, <mtrabert@mcclure-engineering.com>, <aetherid@usgs.gov>, <wyings1@blm.gov>  
 <dthompson@blm.gov>, <movscek@co.twin-falls.id.us>, <carlerk1@dnw.idaho.gov>, <BaliC1@dnw.idaho.gov>, <scott.leibste@agri.idaho.gov>, <PadenH@dnw.idaho.gov>  
 <VoermanR@dnw.idaho.gov>, <chopkins@usgs.gov>, <amy@tetonwater.org>, <anna@tetonwater.org>, <olmstead@tfcanal.com>, <garym@seapacolidaho.com>  
 <shentonwd31@mudlake.net>, <hosborne@sbtribes.com>, <jbarlogi@tfcanal.com>, <Katy.Bergholm@agrium.com>, <Katie.Shewmaker@deq.idaho.gov>, <rystone@men.com>  
 <mwoodard@tu.org>, <mike@tetonwater.org>, <mymers@idahopower.com>, <Savagecattle@mudlake.net>, <blew@gssll.com>, <CChomey@tu.org>, <Amonak@gmail.com>  
 <aetherid@usgs.gov>, <andy.morton@clearsprings.com>, <brmoore@idfg.idaho.gov>, <bob@wdbs.us>, <bob\_turk@fws.gov>, <brendelmitchell@fs.fed.us>  
 <bhoelscher@idahopower.com>, <olmstead@tfcanal.com>, <cchomey@tu.org>, <cmebane@usgs.gov>, <chuck.pentzer@awc.idaho.gov>, <robinson@kimberly.uidaho.edu>  
 <dmy@usbr.gov>, <dgitl@co.gooding.id.us>, <dbopaard@idahotroutr.com>, <dlincoln@flierl.com>, <duane.smith@co.minidoka.id.us>, <gsafornah@uidaho.edu>

Good Afternoon,

DEQ is hosting a training workshop at its Twin Falls Regional Office on Cyanobacteria (Blue Green Algae). The purpose is provide information on what it is and how it can affect public recreation in lakes, reservoirs and large rivers in Southern Idaho.

In 2014 the DEQ and South Central District Health experienced numerous phone calls from the public about Cyanobacteria; and conducted various site visits to investigate. Salmon Falls Creek Reservoir was the most notable. But it was also discovered at Magic Reservoir (Myrtle Point) and the Snake River in the Declo Area, just to name a few. In most of these instances, exposure to the public was prominent; followed by pets (dogs) and in some cases livestock. It would appear from various credible sources that the Cyanobacteria has been with us for quite some time. In 2014 DEQ monitoring in Salmon Falls Reservoir. From this monitoring it then became apparent that the concentrations of toxin and the cell densities were very high and were long lasting until the first frost in late November.

Lots of questions from the public about how, when and where. Lots of questions from those of us involved with taking samples and answering questions. Lots of opinions and suggestions from many sources. However, the most critical is having a basic understanding of what exactly is it that is happening and why. So what this training workshop is intended to do is to provide some answers from the numerous questions asked; and perhaps promote an open atmosphere of helping each other out as we move into 2015 when we expect the same to happen again.

Various presentations will be given by DEQ, Public Health Services, and associated agencies. Questions can be asked of those that are presenting. We want to encourage that.

#### Cyanobacteria Training Workshop

April 16, 2015

08:30-12:30

DEQ-Twin Falls – Conference Rooms

Please call Dr. Balthasar Buhidar at (208)736-2190 if you have questions.

Thank you,

Katie

Katie Shewmaker

TNTH Implementation Coordinator

Idaho Department of Environmental Quality

180 Adams Avenue West, Ste. 110

Twin Falls, ID 83301

(208) 736-2190

(208) 736-2190

# **MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION**

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

12/29/2014

## **COPY OF LETTER SENT TO ALL REGIONAL LEGISLATORS**

For those of you who were able to attend our last legislative update session, we thank you and hope the information you received on cloud seeding and invasive species was helpful. The cloud seeding efforts by Idaho Power are remarkable and we hope they will be supported by elected officials at all levels of government. We believe we will see important cloud seeding partnerships formed in the future and we fully support the effort.

The introduction of quagga mussels, however, is our biggest concern, as it should be for all who live in Idaho and the Pacific Northwest. The devastation caused by this invasive species has been well documented. This commission is so concerned, we have included a video of the topic on our web site: [www.midsnakewater.org](http://www.midsnakewater.org), under the Education section. I urge all of you to take a look.

We spoke to various people at the Idaho State Department of Agriculture (ISDA) who told us they are receiving sufficient funds to keep these species from Idaho, but we are not convinced. We would like to see strong legislative oversight of the invasive species program under the ISDA. The Idaho Invasive Species Act of 2008 includes specific language for implementation and enforcement and the ISDA rules appear to follow the intent of the act. We question, however, if the ISDA is doing all they can to keep quagga mussels from our state. We would like the ISDA to:

- Operate check stations on a 24 hour-a-day basis. Boaters travel at night as well.
- Have an ongoing program for educating state and county peace officers. This type of program should be mandatory as, in some cases, peace officers may be our last line of defense. They need to be continually educated on methods of detection as well as the importance to the economy of the state.
- Become more transparent concerning invasive species by directly communicating

with the public through advertising campaigns that inform the public on why there is a need for everyone to be vigilant. The public needs to know there will be a direct cost to each of them when quagga's are introduced.

Quagga mussels will cost the people of this state millions of dollars every year. Some have suggested up to one hundred million dollars a year. This doesn't include the loss to fish and other wildlife populations. Because of the economic impact to our region and the state, we believe the cost of this program should be born by a more broad-based system than simply the people who own watercraft, most of which never leave the state. Introduction will most likely come from a watercraft owner who lives in neighboring state.

once again, we want to thank each of you for your support of this commission and the counties we represent. If you have an questions, please don't hesitate to call me at 208-934-5302 or Executive Director, Bob Muffley, at the numbers shown above. You can also email me at [pence5302@msn.com](mailto:pence5302@msn.com) or Bob at [bmuffley@muffleyagency.myrf.net](mailto:bmuffley@muffleyagency.myrf.net).

Sincerely

Lew Pence  
Chairman

**Formed by a Joint Powers Agreement Between the counties of  
Cassia, Gooding, Jerome, Lincoln and Twin Falls**

# Memo

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

---

**TO: Brian Olmstead**  
**SUBJECT: Meeting Agenda**  
**ATTENTION:**  
**DATE: 7/3/14**  
**FROM: Bob Muffley**

---

I want to thank you for agreeing to talk to the commission members concerning the proposed changes to the definition of "Waters of the U.S." as proposed by the EPA. We are very interested in the concerns of the canal companies in our region and what points you are going to make in your testimony on the proposed change. The commission has always been an advocate of locally supported remedies for water quality and quantity issues and maintaining the economic viability of our irrigated agriculture which is the economic engine for our region.

Thanks again for agreeing to speak to us and we look forward to hearing your comments.

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

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

**June 27, 2014**

**Justice Jim Jones  
Idaho Supreme Court  
PO Box 83720  
Boise, ID 83720-7590**

**Dear Jim:**

**The commission wants to thank you for helping us out, once again for free, by allowing us to video your Swan Falls presentation. We know this took time from your busy schedule and we are most great full. The commission believes the Swan Falls agreement has been forgotten, but is probably more relevant today than when signed by the parties. It is our hope that the video of your presentation will remind us all of both the cost and the benefits of the agreement to water users in the region.**

**Respectfully**

**Lew Pence  
Chairman**

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

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

**June 27, 2014**

**Steve Hines  
University of Idaho Extension Educator  
600 2<sup>nd</sup> Ave. West  
Jerome, ID 83338**

**Dear Steve:**

**The commission wants to thank you for helping us out by allowing us to video your economics of water presentation for our web site. Your presentation was such a hit at the legislative update session last fall that we knew it needed to be preserved on our web site. Too many people in our region take for granted our currently robust agricultural economy. We need to be reminded that there is also a downside to the regional economy when the water supply is short or when water calls are made. Your video presentation was excellent and reflects well for the University and those who helped provide the data.**

**Thanks again**

**Lew Pence  
Chairman**



# Memo

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

---

**TO: Lincoln County Commissioners**  
**SUBJECT: Past Due Membership Fee**  
**ATTENTION:**  
**DATE: 5/13/14**  
**FROM: Bob Muffley, Executive Director**

---

I just want to let you know that your counties membership fee as approved by the commission's executive committee last June has not been received. The original bill was sent in late October of last year. The renewal fee for Lincoln County is \$1,462.00 for budget year October 2013 to October 2014. Your check should be made payable to the Gooding County Clerk, but sent to the address shown above. I have attached a new bill and enclosed a return envelope.

Thanks for your attention to this matter and if you have any question give me a call.

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**  
Bob Muffley, Executive Director  
122 5<sup>th</sup> Ave. West  
Gooding, ID 83330  
PH: 208-934-4781

Date	Invoice #
5/13/14	1

Bill To

Lincoln County Commissioners  
111 W B St.  
Shoshone, ID 83352-5364

Description	Amount
Annual membership assessment Budget Period - 2013 to 2014  NOTE: Checks payable to Gooding County Clerk Tax Payer ID # 82-6000300  For the account of: Middle Snake Regional Water Resource Commission	\$1,462.00
	<b>Total</b> 1,462.00

# **MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION**

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

**March 31, 2014**

**Chuck Staben, President  
University of Idaho  
Administration Bldg. 105  
875 Perimeter Dr. MS 3151  
Moscow, ID 83844-3151**

**Dear President Staben:**

**As an alumnus of the University of Idaho, I want to welcome you to Idaho and Idaho's premier university. I wish you well in your new position.**

**The Middle Snake Regional Water Resource Commission is a regional commission that works for the counties of Cassia, Gooding, Jerome, Lincoln, and Twin Falls in south central Idaho. The purpose of the commission is to keep our county commissioners informed on all issues pertaining to the region's water resources. This includes water quality, quantity and the economics of water within our planning area. The commission has always relied on extension educators and other university personnel to help us better understand water issues that are important to the counties we serve.**

**Two years ago the commission asked Extension Educator, Steve Hines, to help us completely revise the economic portion of our Coordinated Water Resource Management Plan. Steve reached out to Extension Educator, Joel Packham, and Dr. Garth Taylor to help in this endeavor. The result of their collaboration was a near complete overhaul of this section of the plan, which has now been adopted by all of our member counties. The new plan gives an in-depth look at the importance of water to the region's agricultural based economy. This information is critical to both our county commissioners and the public.**

**Early in 2013, the commission decided to use this and other economic information at a legislative update session in September. The commission holds this event for legislators in our region each year. Once again we reached out to Steve Hines, Joel Packham, and Dr. Taylor. This time we asked them to come up with a program to educate the legislators on the economic importance of water to not only this region, but the entire state. This was done by showing the consequence to the economy given a 10% loss to our water supply. Steve Hines gave a masterful presentation that shocked the region's legislators including Speaker of the House, Scott Bedkel. The purpose of the presentation was to highlight the importance of aquifer recharge and the point was made. The Speaker cornered Steve after the meeting and asked him to make a presentation to the Senate and House Agricultural Affairs Committees in Boise, which he did in January. This commission has been trying to**

convince the legislature since 1992 to fund aquifer recharge, and this year funds were finally appropriated, thanks to the efforts of Steve, Joel and Dr. Taylor. Needless to say we are indebted to the University and, specifically, these three individuals.

We also want to thank Extension Educator, Gary Fornshell for his work with the commission. Gary has always kept us informed on problems facing the aquaculture industry which is also important to the region. Gary was the first to introduce us to the dangers of quagga and zebra mussels. This could also have a huge economic consequence to our region and we are now doing what we can to support the Idaho Department of Agriculture in their efforts to keep them from the waters of the state.

The commission wants to make you aware of some of the great people you have working on behalf of the University, and we look forward to working with them and others in the future.

Sincerely

A handwritten signature in black ink, appearing to read "Lew Pence", written in a cursive style.

Lew Pence, Chairman

Formed by a Joint Powers Agreement between the counties of  
Cassia, Gooding, Jerome, Lincoln and Twin Falls

**L. GEORGE URIE**  
COMMISSIONER  
THIRD DISTRICT

**TWIN FALLS COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
630 ADDISON AVE. WEST  
P. O. BOX 126  
TWIN FALLS, ID 83303-0126  
(208) 736-4068  
(208) 736-4176 FAX  
(800) 377-3529 Idaho Relay (TTY)

**LEON MILLS**  
VICE-CHAIRMAN  
SECOND DISTRICT

**TERRY RAY KRAMER**  
CHAIRMAN  
FIRST DISTRICT

**KRISTINA GLASCOCK**  
CLERK  
(208) 736-4004

November 22, 2013

Middle Snake Regional Water Resource Commission  
122 5<sup>th</sup> Ave West  
Gooding, ID 83330

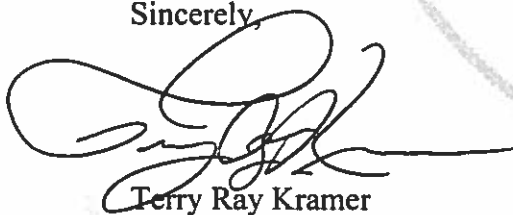
Re: Water Quality and Economic Section of the Coordinated Water Resource Management Plan

Dear Sirs:

On Friday, November 8, 2013, The Twin Falls County Commissioners conducted a public hearing to consider proposed changes to the Water Quality and Economic Section of the Coordinated Water Resource Management Plan. Notice of the public hearing was published in the Times News on October 24, 2013. Following the hearing, the proposed changes, as recommended by the Middle Snake Regional Water Resource Commission, were approved by the Commissioners.

If you have any questions, please contact our office.

Sincerely,



Terry Ray Kramer  
Chairman



George Urie  
Commissioner



Leon Mills  
Commissioner

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

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

**July 3, 2013**

**Justice Jim Jones  
Idaho Supreme Court  
PO Box 83720  
Boise, ID 83720-7590**

**Dear Justice Jones:**

**Dan Suhr told me you had agreed to speak at our legislative update session on September 19, 2013. I don't know if he told you, but the session will be at the Jerome Senior Citizen Center, 520 North Lincoln Street and will begin at 6:00 PM.**

**A few old-timers on the Commission, like Dan and I, started talking about the Swan Falls Agreement and we were met with blank stares from some of our Commission members. We discovered that younger people or those who hadn't been involved in water issues didn't know what it was all about and how it is extremely pertinent in our current short water year. Some of our region's legislators fit into this category. We think education is needed and who better to instruct them than the man who brokered the agreement.**

**We old people have discussed what we think everyone needs to know and believe a brief history of the circumstances leading to the need for the agreement is certainly important. People need to know who the players were and what all parties hoped to accomplish. They need to understand the negotiations and why they settled on the stipulated mandatory cubic feet per second at Murphy's gage. They should also know the possible ramifications should the limits stipulated in the agreement not be met. We will have another speaker talk about the economic impact of a call after your presentation. The two of you should definitely get the attention of all who are present.**

**The Commission wants me to thank you for agreeing to speak. We know you have many duties and we greatly appreciate your time. On a personal note, I still remember when you explained the Swan Falls Agreement to me on a cruise on Coeur d'Alene Lake during a Realtor convention in 1985. I was impressed. Give me a call if I can help you in any way.**

**Sincerely**

  
**Bob Muffley, Executive Director**

**Formed by a Joint Powers Agreement between the counties of  
Cassia, Gooding, Jerome, Lincoln and Twin Falls**

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

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

**June 28, 2013**

**Todd Bunn  
City of Gooding  
308 5<sup>th</sup> Avenue West  
Gooding, Idaho 83330**

**Dear Mr. Bunn:**

**The Commission reviewed the managed recharge feasibility study by Brockway Engineering for the city of Gooding and was intrigued by the possibilities. The Commission has always promoted recharge for the purpose of restoring and maintaining our region's valuable ground water resource. The latest draft of the Coordinated Water Resource Management Plan contains support from multiple agencies of the necessity for recharge. The City of Gooding's recharge study is the first this Commission has seen from local government and as such, the Commission is interested in reviewing more specific information of the recharge plan, as it is now or may become available. We are particularly interested in the proposed one-to-one exchange and the anticipated flow of recharge water to the city's well(s) and the private wells in the vicinity of the recharge site.**

**Not only are we concerned with any quantitative impact that additional groundwater pumping may have on the aquifer, we are equally concerned with the quality of water entering the system. What are the requirements, if any, for a filtration system at the point of recharge?**

**These and other questions have likely already been scrutinized during the City's cost-benefit analysis. The Commission is interested in learning more about the analysis that goes into the formulation of the City's mitigation plan and look forward to reviewing your next stages of project planning.**

**Thank you for allowing the Middle Snake Regional Water Resource Commission the opportunity to review the feasibility study.**

**Sincerely**



**Lew Pence, Chairman**

# **MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION**

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

**Water Docket, Environmental Protection Agency  
Mail Code 2822T, 1200 Pennsylvania Ave. NW  
Washington DC 20460**

**ATTN: Docket ID No. /EPA-HQ-OW-2011-0800**

**The Middle Snake Regional Water Resource Commission is a regional commission formed by the counties of Cassia, Gooding, Jerome, Lincoln and Twin Falls in south central Idaho. The commission was formed to advise the counties on all water quality and quantity issues in the five county region. We also speak for the counties when working with federal, state, and local government entities as well as the public. This commission fought hard in the early 1990's to get the EPA to designate the Snake river, as it runs through our counties, Water Quality Limited. It took the help of a congressman, but it was finally designated and a TMDL established. The public and especially the farm community supported the effort. Our region's farmers and ranchers along with the canal companies in the region, while under no obligation to do so, immediately took steps to clean up or eliminate tail water entering the Middle Snake. These efforts were very expensive, completely voluntary and continue to this day.**

**The Environmental Protection Agency and the Army Corps of Engineers are now attempting to change the rules through a 370 page document which changes the definition of Waters of the U.S. First, we believe it's absurd that it takes 80 pages of this document just to define Waters of the United States and second, it will do irreparable harm to the USDA and the NRCS in their relationship with farmers, rancher and canal companies throughout the west. It also appears to usurp the authority of the Idaho Department of Agriculture to work with producers to meet EPA requirements.**

**The NRCS has been a friend to agriculture and indeed this commission for many years. They have great programs to help farmers and ranchers preserve and protect the valuable farm ground in our region. The NRCS does this by creating voluntary partnerships with individual farmer to develop tools to protect the soil and preserve the water resources. Your new language to the Clean Water Act will now make the 56 NRCS technical standards mandatory to any farmer or canal company who conducts an activity or conservation practice that may result in a "discharge of dredge or fill material" to waters of the U.S. The problem in our area is that some of the 56 technical standards were written for farmers in the mid-west and don't apply to our type of farming. We also have farming methods that aren't covered by any of the technical standards. The insistence on the 56 technical standards is simply not doable in this region. This is why NRCS personnel work with individual farmers to help them develop a plan that works for them. Farmers, like everyone, are more willing to do the right thing when they are part of a fair and equitable**



**process. If you tell them what they must do, you are asking for problems. The NRCS has always been a trusted resource for our farmers and ranchers, but we believe the adoption of this regulation will place the NRCS in an adversarial role for the first time in their history. This will put future conservation projects at risk which benefits no one. When you say there is no impact to the farm community, you are wrong.**

**It also appears the new definition will cover every body of water in the U.S. including canals, ditches, farm ponds and even wet lands that are only wet a small part of the year. This is too much. Farmers move soil and water each and every year, but to do so in the future may require a CWA permit. You don't have the manpower to make the new regulation work and it's not necessary. Where is the common sense?**

**Since this Commission was formed in the early 1990's, we have found we get much more accomplished through education and reasoning. People and especially farmers don't want to purposely harm their water resources and will cooperate when asked. If, indeed, their will be no impact to farmers the language of the proposed regulation must be changed as it relates to making mandatory the 56 technical standards of the NRCS, waters covered by the regulation and the role of state agencies.**

**Sincerely**

**Lew Pence, Chairman**

**cc**

**Senator Mike Crapo**

**Senator James Risch**

**Congressman Mike Simpson**

**Congressman Raul Labrador**

MIKE STEPHENSON  
SENIOR BIOLOGIST

Olmstead, Dan

From: DR. <sup>WATER RESOURCE</sup> Parkinson, Shaun - LEADER P.E. cloud seeding  
Sent: Friday, August 01, 2014 12:00 PM water resource  
To: Olmstead, Dan  
Cc: Randolph, Chris; Stephenson, Michael; Wood, Dwayne  
Subject: RE: Middle Snake Water Resource Commission  
Attachments: WD 63 07292014.pdf

388-2495  
SParkinson@

call

Dan,

At a high level, some facts and information about IPC's cloud seeding program:

First, a couple of YouTube videos about our program:

<https://www.youtube.com/watch?v=8gErtIVnLYQ&list=PL0ZrFvgYOp88LOm4LcSfcR6vHehNW8ewz>

<https://www.youtube.com/watch?v=JjQdron7kt4>

A couple of brochures from the North American Weather Modification Council (of which IPC is a member, representing the State of Idaho):

[http://www.nawmc.org/4dcgi/GetContentPDF/PB-1121/winter%20r19%20press\\_final.pdf](http://www.nawmc.org/4dcgi/GetContentPDF/PB-1121/winter%20r19%20press_final.pdf)

[http://www.nawmc.org/4dcgi/GetContentPDF/PB-1123/Environment%20r11%20press\\_final.pdf](http://www.nawmc.org/4dcgi/GetContentPDF/PB-1123/Environment%20r11%20press_final.pdf)

Some specific talking points:

- IPC does cloud seeding for winter snowpack augmentation.
- Cloud seeding doesn't create weather – it just nudges mother nature to make precipitation processes more efficient.
- Cloud seeding works by providing additional ice nuclei to storms that have an abundance of super cooled liquid water – liquid water in the atmosphere that is below freezing but doesn't/can't freeze because there isn't a particle or surface to initiate its freezing.
- Idaho Power uses silver iodide as the seeding agent, an insoluble (in water) compound that initiates freezing at temperatures warmer than naturally occurring ice nuclei.
- We started seeding the Payette in 2003, and have seen an average snowpack increase of over 14%
- In 2008 we started working with the High Country RC&D to enhance their program.
- We currently have 17 remote cloud seeding generators in the Payette, 19 in the upper Snake, and one aircraft in the Payette.
- Benefits of the current program are 583,000 acre feet (300,000 Payette, 283,000 upper Snake), 193,000 MWh / year on average. 7,000 HOMES
- We are currently talking with the Boise and Wood River Basins to collaborate on expanding operations into those basins
- With collaboration, we expect to have approximately 80 remote ground generators and up to 3 aircraft seeding within the Snake basin.
- And, cloud seeding is a drought management or relief action – it's a water management tool.

Concerns:

- Toxicity. Because silver iodide is insoluble in water, the silver is not available in a free ionic form to be toxic to aquatic life. Note that people often Google silver toxicity and find that silver in a free ionic form (Ag+) can be toxic to aquatic life. They then make the assumption that compounds with silver behave the same, and therefore must be toxic. Silver iodide (AgI) is about as soluble in water as a quartz based sand.

Thanks,  
Shaun

**Shaun K. Parkinson, Ph.D, PE**

Water Resources Leader

River Engineering & Atmospheric Science | Idaho Power Company

(208) 388-2495 cell: (208) 781-1556 | ✉: [sparkinson@idahopower.com](mailto:sparkinson@idahopower.com)



Think Green - Not every email needs to be printed

From: <bmuffley@muffleyagency.myrf.net>  
Subject: Re: Nitrate loading model  
Sent date: 08/26/2014 11:44:38 AM  
To: <Irene.Nautch@deq.idaho.gov>

Irene:

The USGS developed a nitrate vulnerability map for us and also developed a program for county planning and zoning allowing them to put in a legal description for a proposed development and target that area for it's susceptibility to nitrates migration to ground water. All P. & Z. administrators in the region received training on the program and it was used by some, but not others. Most of the administrators have changed since then so I'm sure the program is not being used at this time. Ken worked with us for many months to develop the program.

Hope this helps.

Bob

On Tue, 26 Aug 2014 17:16:21 +0000, Irene.Nautch@deq.idaho.gov wrote:

Hi Bob,

Toni Mitchell from our state office emailed me today asking about a nitrate loading model that USGS developed a number of years ago with DEQ funding. It was to be used by county planners in the Magic Valley to estimate impacts from various developments. She has been in touch with Kenneth Skinner, USGS who said that they worked with you and the Commission in getting county officials trained in using the model? Do you know if counties are using it and if it is helpful? The reason for this inquiry is for the Nitrate Symposium – we want to highlight available tools for planners and local officials. This might be a good one.

***Irene Nautch***

*Irene Nautch*

*Regional Drinking Water Protection Coordinator*

*Idaho Department of Environmental Quality*

*650 Addison Ave W Suite 110*

*Twin Falls, Idaho 83301*

*Phone: (208) 736-2190*

*Fax: (208) 736-2194*

From: "Kerry McMurray" <kerrym@cassiacounty.org>  
Subject: Noel Bowcut resignation; Kerry McMurray nomination  
Sent date: 09/30/2014 10:18:26 AM  
To: "Muffley Realty and Insurance" <bmuffley@muffleyagency.myrf.net>  
Attachments: N Bowcutt resignation 0092014.pdf [ 98 KB ]

Bob: I have attached a copy of Noel Bowcut's letter of resignation. The Cassia County BoCC nominate me yesterday to fill one spot on the commission, and are working to fill the other place also. They are seeking input from Burley Irrigation District and may have another nomination in a few weeks. Also, I believe Commissioners Crane and Kunau will be at the Oct. 1 dinner. Thank you.

Kerry D. McMurray

Cassia County Administrator &

Attorney and Counselor- at-Law

Cassia County Courthouse

1459 Overland Avenue

Burley, Idaho 83318

Office: (208) 878-7302

Fax: (208) 878-3510

Email: kerrym@cassiacounty.org

September 17, 2014



I, Noel Bowcut, because of health reasons must ask to be released as a member of The Mid Snake River Water Commission. I have enjoyed representing the Cassia County Commissioner.

Thank you for allowing me the privilege of serving you on this board.

Sincerely,

A handwritten signature in cursive script, appearing to read "Noel Bowcut", with a long horizontal flourish extending to the right.

Noel Bowcut

**MIKE CRAPO**  
U.S. SENATOR  
IDAHO

Co-CHAIRMAN, SENATE RENEWABLES AND  
ENERGY EFFICIENCY CAUCUS

Co-CHAIRMAN, WESTERN WATER CAUCUS

Co-CHAIRMAN, SPORTSMEN'S CAUCUS

Co-CHAIRMAN, COPD CAUCUS

**United States Senate**

WASHINGTON, DC 20510

COMMITTEES:

FINANCE

BANKING, HOUSING, AND  
URBAN AFFAIRS

ENVIRONMENT AND PUBLIC WORKS

BUDGET

INDIAN AFFAIRS

September 30, 2014

Lew Pence  
Chairman  
Middle Snake Regional Water Resource Commission  
122 5th Ave. West  
Gooding, ID 83330-1202

Dear Lew:

Thank you for contacting me to express your concerns regarding the Clean Water Act (CWA). I agree with you and welcome the opportunity to respond.

As you know, on March 25, 2014, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) released a proposed policy change to greatly expand the jurisdiction of waters regulated under the CWA. This change would extend the regulatory reach of federal agencies beyond navigable waters to intermittent wetlands and other bodies of water. The EPA and the Corps state that the effort intends to provide greater clarification of which water bodies are subject to federal regulation under the CWA. However, this proposal will only create more questions than answers. By expanding the scope and reach of the CWA, the regulatory change will create greater uncertainty and litigation and increase the role of the federal government in the lives of Americans across the country. On April 9, 2014, I joined several of my colleagues on the Senate Environment and Public Works Committee in writing to President Obama, expressing our serious concerns and outlining the severe consequences of this proposal.

I share your concerns regarding recent attempts to expand the reach of the CWA. The federal agencies that initiated this proposal have previously stated that updated jurisdictional guidance efforts will likely increase the number and kinds of water bodies subject to federal regulation. By expanding the reach of the federal government, the proposed action threatens to undermine states' primacy in regulating wetlands and other bodies of water not intended under the CWA. This is clearly unacceptable. Throughout my tenure in Congress, I have consistently supported efforts to preserve the CWA's original intent and balance the proper involvement of state, federal, local and private parties to work together for effective and environmentally-sound water quality management policies.

Like many Idahoans, I am committed to protecting water quality, our natural wetlands and the tremendous water resources found within our state. Also, ensuring clean and safe water for all Americans is one of my continuing priorities. Be assured, I will continue to ensure Idaho's views and interests are represented at the national level as I press for effective and responsible enforcement of the CWA, and will continue to work to maintain Idaho's water sovereignty.

WASHINGTON, DC  
239 Dirksen Senate Office Bldg.  
Washington, DC 20510  
(202) 224-6142  
(202) 228-1375 FAX

IDAHO STATE OFFICE  
251 East Front Street  
Suite 205  
Boise, ID 83702  
(208) 334-1776

NORTH IDAHO  
610 Hubbard  
Suite 209  
Coeur d'Alene, ID 83814  
(208) 664-6490

EASTERN IDAHO, NORTH  
410 Memorial Drive  
Suite 204  
Idaho Falls, ID 83402  
(208) 522-9779

NORTH-CENTRAL  
313 D Street  
Suite 105  
Lewiston, ID 83501  
(208) 743-1492

EASTERN IDAHO, SOUTH  
275 S. 5th Avenue  
Suite 225  
Pocatello, ID 83201  
(208) 236-6775

SOUTH-CENTRAL  
202 Falls Avenue  
Suite 2  
Twin Falls, ID 83301  
(208) 734-2515

Again, thank you for contacting me. Please feel free to contact me in the future on matters of interest to you. For more information on issues before the U.S. Senate as well as news releases and photos visit my website, <http://www.crapo.senate.gov>.

Sincerely,

A handwritten signature in black ink that reads "Mike". The letters are cursive and fluid, with a large, sweeping "M" and a simple "ike" following.

Mike Crapo  
United States Senator

MDC:ca



From: "Ami Bennett" <abennett@co.gooding.id.us>  
Subject: FW: Middle Snake River Water Resource Commission  
Sent date: 10/14/2014 08:03:25 AM  
To: <bmuffley@muffleyagency.myrf.net>

Bob - FYI

**From:** Richard Stallings [mailto:stallingsforidaho@gmail.com]  
**Sent:** Sunday, October 12, 2014 10:51 PM  
**To:** Ami Bennett  
**Subject:** Middle Snake River Water Resource Commission

I apologize that I do not know your chairman or board, but I want to express my thanks for inviting me to attend your Third Annual Legislative Dinner. I found it very helpful in informing me of the issues facing the Commission. If I can ever be of any assistance, please do not hesitate to let me know what I can do. I do realize some of your goals and the urgent need for the help the Commission Provides. Ranae and I found the speakers well prepared and interesting and the food was quite wonderful. Thank you very much.

Sincerely,

Richard Stallings

*Commentor No. 7: Bob J. Muffley, Executive Director, Middle Snake Regional Water Resource Commission*

From: comment@mercurystorageeis.com  
Sent: Wednesday, May 22, 2013 12:25 PM  
To: MercuryEIS  
Subject: Mercury Storage EIS - Comment

New comment from the Mercury Storage EIS Website

Name: Bob J. Muffley Executive Director

Organization: Middle Snake Regional Water Resource Commission

Address 1: 122 5th Ave. West

Address 2:

City: Gooding

State: ID

Zip: 83330

Phone: 2-8-934-4781

E-Mail: [bmuffley@middle-snake-wrc.com](mailto:bmuffley@middle-snake-wrc.com)

Comment: The Middle Snake Regional Water Resource Commission representing Cassia Gooding, Jerome Lincoln and Twin Falls counties in south central Idaho offers the following comments: The Commission has reviewed the SEIS on potential mercury storage sites in the U.S. and asks that the Idaho National Laboratory INL be removed from the list. The Commission has studied your proposal and found the risk while appearing low is more than this region of Idaho can logically accept. South central Idaho already receives more air-borne mercury than our rivers and reservoirs can safely assimilate. Several water bodies downstream from the INL are already listed as waters of concern by the Idaho Department of Environmental Quality and advisories have been issued concerning the consumption of fish. Mercury in its natural state can most likely be stored safely in the storage facilities described in the SEIS. Our concerns however are twofold. First is transporting the substance to the site and the second is seismic activity at the site itself. An accident during transportation or escape caused by seismic activity could seriously impact our above ground and groundwater resources. The customs and culture of this region are more than any other place in Idaho dependent on the region's water resources. Thirty-eight percent of the state's agricultural product is grown in this region and ninety-two percent of the private ground is irrigated crop land. Idaho ranks fourth in the nation for dairy production and seventy percent of that production is in this region. An economic model developed by the University of Idaho shows this region of the state as the most dependent on a clean and adequate supply of water. Damage to this vital resource would impact not only Idaho residents but also the multiple recipients of Idaho's agricultural exports including vegetables wheat dairy and meat products. The commission rarely relies on the old not in my back yard argument but in this situation we believe it is justified. Please consider other sites with less potential impact to our nation's food supply and our state and regional economy.

7-1

DOE acknowledges the commentor's opposition to the long-term management and storage of elemental mercury at Idaho National Laboratory (INL).

7-2

As described in Chapter 4, Section 4.6.4, of the January 2011 *Mercury Storage EIS*, construction or modification and operation of a mercury storage facility within the developed Idaho Nuclear Technology and Engineering Center or Radioactive Waste Management Complex areas of INL would have negligible impacts on air quality.

7-3

DOE acknowledges the commentor's concerns regarding potential impacts on water resources in Idaho. As described in Chapter 4, Section 4.6.3.1, of the January 2011 *Mercury Storage EIS*, construction or modification and operation of a mercury storage facility within the developed Idaho Nuclear Technology and Engineering Center or Radioactive Waste Management Complex areas of INL would have negligible impacts on water resources. There would be no direct discharge of effluents to either surface water or groundwater from normal storage facility operations and no impact on water quality. In addition, the design, construction, and operation of the mercury storage facility would feature structural controls and practices to prevent the release of elemental mercury and to prevent any spills or other releases from reaching soils or surfaces where they could be conveyed to surface waters or groundwater. Facility operations would also be conducted in accordance with an integrated contingency plan and spill prevention, control, and countermeasures plan, which set forth the actions facility personnel would take to respond to abnormal operating conditions, including fires, explosions, or any accidental release of mercury to air, soil, surface water, or groundwater at the facility.

*Comment side of this page intentionally left blank.*

7-4

DOE acknowledges the commentor's concerns regarding the seismic hazard in relation to mercury storage at INL. Chapter 3, Section 3.5.2.3, of the January 2011 *Mercury Storage EIS* describes geologic hazards in the INL region. The section describes historical seismicity (i.e., frequency and location of earthquakes) and the site's proximity to active faults. Chapter 4, Section 4.6.2.2, of the January 2011 *Mercury Storage EIS* specifically assesses the effects earthquakes could have on a mercury storage facility at INL using probabilistic earthquake ground motion data from the U.S. Geological Survey to specifically compare the candidate sites. The data indicate a minimal risk to INL facilities. Regardless of the site chosen, the mercury storage facility would be designed and constructed to withstand the assessed hazard.

7-5

DOE acknowledges the commentor's concerns regarding the risk to water resources from a transportation or seismic accident. As presented in Appendix D of the January 2011 *Mercury Storage EIS*, DOE has fully considered the parameters and pathways that would come into play should elemental mercury be spilled inside a mercury storage facility, onto the ground, or directly into a surface-water body from a transportation accident and the resulting threat to groundwater. In part because elemental mercury is slow to infiltrate through soil and sediments due to its physical and chemical properties, DOE determined that the most problematic spill would be one that is directly into a surface-water body, as described in Appendix D, Section D.2.8, of the EIS. The possibility of spillage directly into a river or waterway is further discussed in Chapter 4, Section 4.4.9.3.2, of the January 2011 *Mercury Storage EIS*. As further evaluated in Section D.4.3.2 of the EIS, the overall conclusion is that a direct spillage of mercury into a body of water could be of concern if it is not cleaned up, but there is generally adequate time for such cleanup. This contention is stronger for a release to the ground surface that could threaten underlying groundwater, where mercury would generally pool on the surface and infiltrate to a depth dictated by the surface tension of the pool of mercury. On a smooth surface, without fractures or cracks, this depth (capillary depth) is 0.36 centimeters (0.14 inches), as

*Commentor No. 7 (cont'd): Bob J. Muffley, Executive Director, Middle Snake Regional Water Resource Commission*

presented in Section D.4.2.3 of the EIS, with a spill of the entire contents of a 1-metric-ton (1.1-ton) container producing a pool with an area of no more than 20.6 square meters (222 square feet). While the natural variability of land surfaces would affect these spill pool characteristics, a pool of mercury from a transportation accident could be contained and cleaned up before reaching groundwater. Transportation of mercury would be in accordance with applicable Resource Conservation and Recovery Act (RCRA) hazardous waste and U.S. Department of Transportation hazardous material shipping requirements.

*Comment side of this page intentionally left blank.*

Table S-4. Summary of Cumulative Impacts Assessment

Alternative	Resource Area	Cumulative Impacts	Contribution of Proposed Action to Cumulative Impacts
WIPP Vicinity Reference Locations (Sections 10, 20, and 35)	Land Use	Rural area; limited development expected within the ROI. GTCC waste disposal facility could require up to 44 hectares (110 acres) if WIPP vicinity is selected; one of the locations being considered is WIPP Vicinity Section 35. A mercury storage facility and GTCC waste disposal facility could be located within the 260-hectare (640-acre) area that comprises Section 35 without interference of operations with each other or compromising the safety and security of these facilities. Also present within the ROI are a number of oil wells and underground potash mines located in the vicinity of WIPP, including an existing potash mine lease on WIPP Vicinity Section 10 and one oil well in WIPP Vicinity Section 35. No substantial cumulative impacts on land use.	Negligible
	Air Quality	No exceedance of air quality standards.	Negligible
	Infrastructure	No substantial cumulative impacts on regional power consumption or impact on existing capacities. A maximum of 79 shipments would be made to the proposed mercury storage facility during the peak year of operations and is not expected to appreciably increase demands on transportation systems near the WIPP Vicinity reference locations.	Negligible
	Ecological Resources	No substantial cumulative impacts on terrestrial resources or loss of habitat due to disturbance of land (see Land Use above).	Negligible

Key: GTCC=greater-than-Class C; ROI=region of influence; WIPP=Waste Isolation Pilot Plant.

### S.5.3 The Preferred Alternative

In the January 2011 *Mercury Storage EIS*, DOE identified WCS near Andrews, Texas, as the Preferred Alternative for the long-term management and storage of mercury. Based on analysis from this SEIS and public comment, the Preferred Alternative has not changed. DOE will issue a ROD no sooner than 30 days after publication of the EPA Notice of Availability for the *Final Mercury Storage SEIS* in the *Federal Register*. The selection of a site will be based on the January 2011 *Mercury Storage EIS*, this *Mercury Storage SEIS*, and other appropriate factors and will be announced in a ROD in the *Federal Register*.



## U.S. DEPARTMENT OF ENERGY ISSUES DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE LONG-TERM MANAGEMENT AND STORAGE OF ELEMENTAL MERCURY

The U.S. Department of Energy (DOE) has issued the *Draft Long-Term Management and Storage of Elemental Mercury Supplemental Environmental Impact Statement (Draft SEIS)*. As required by the Mercury Export Ban Act of 2008, DOE plans to identify a facility or facilities for the long-term management and storage of elemental mercury generated within the United States. The *Draft SEIS* analyzes additional alternatives and supplements the analyses in the January 2011 *Final Long-Term Management and Storage of Elemental Mercury Environmental Impact Statement (Final EIS)*. The *Draft SEIS* has been distributed to stakeholders who requested it. The *Draft SEIS* is available at <http://energy.gov/nepa/environmental-impact-statements-eis> and additional information is provided at the project Website at <http://www.mercurystorageeis.com>. DOE's Notice of Availability was published in the April 19, 2013, *Federal Register* with additional details. The *Draft SEIS* is also available for review at Reading Rooms listed on the project Website.

The *Final EIS* evaluated seven candidate locations for the elemental mercury storage facility, as well as the No Action Alternative. Those candidate locations are: DOE Grand Junction Disposal site near Grand Junction, Colorado; DOE Hanford site near Richland, Washington; Hawthorne Army Depot near Hawthorne, Nevada; DOE Idaho National Laboratory near Idaho Falls, Idaho; DOE Kansas City Plant in Kansas City, Missouri; DOE Savannah River Site near Aiken, South Carolina; and Waste Control Specialists, LLC, site near Andrews, Texas. The *Draft SEIS* evaluates three additional locations for a long-term mercury storage facility, all near the Waste Isolation Pilot Plant (WIPP), which is located approximately 26 miles southeast of Carlsbad, New Mexico.

DOE is inviting comments on the *Draft SEIS* during a 45-day public comment period that commences on April 19, 2013. DOE will hold public hearings on the *Draft SEIS* during this period at the locations listed to the right. DOE will accept oral and written comments at the public hearings or written comments may also be submitted as follows:

**U.S. Mail:** David Levenstein, Document Manager  
Office of Environmental Compliance (EM-11)  
U.S. Department of Energy  
Post Office Box 2612  
Germantown, MD 20874

**Website:** <http://www.mercurystorageeis.com>

### HEARING LOCATIONS

#### May 7, 2013

Skeen-Whitlock Building Auditorium  
U.S. DOE Carlsbad Field Office  
4021 National Parks Highway  
Carlsbad, New Mexico 88220

**Open House:** 5:00 – 6:00 p.m.

**Presentation and Oral Comments:**  
6:00 p.m. – 9:00 p.m.

#### May 9, 2013

Crowne Plaza Albuquerque  
1901 University Blvd. NE  
Albuquerque, New Mexico 87102

**Open House:** 5:00 – 6:00 p.m.

**Presentation and Oral Comments:**  
6:00 p.m. – 9:00 p.m.

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

To: Representative Pence <dpence@house.idaho.gov>, Representative Bell <mbell@house.idaho.gov>, Representative Bedke <sbedke@house.idaho.gov>, Representative Clow <lclow@house.idaho.gov>, Representative Hartgen <shartgen@house.idaho.gov>, Representative Kauffman <ckauffman@house.idaho.gov>, Representative Miller <smiller@house.idaho.gov>, Representative Wood <fwood@house.idaho.gov>

Subject: HO-277

Date: Fri, 22 Mar 2013 14:02:04 -0400 (EDT)

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As Executive director of the Middle Snake Regional Water Resource Commission, I was instructed, by a unanimous vote of the Commission, to ask you to appose HO-277. This legislative change to rules adopted by IDWR in 2009 was proposed by a few individual well drillers who apposed the change to the minimum seal for wells from 18' to 38'. This rule change was adopted after careful consideration by the Department and many private groups and organizations, including the Idaho Groundwater Association, as the best way to protect our "sole source" aquifer. The county commissioners of our 5 member counties, when forming our Commission, instructed and authorized the Commission to protect the region's water resources and the 2009 rules do just that.

Sincerely  
Bob J. Muffley  
Executive Director



March 12, 2012

Middle Snake Water Resource Commission  
Attn: Gale Kleinkopf  
1572 Princeton Drive  
Twin Falls, ID 83301

Dear Gale & Middle Snake Water Resource Commission,

The Twin Falls Public Library Foundation would like to notify you that a new children's book has arrived at the Library. This book was purchased with a donation from the Kiwanis Club of Twin Falls as a thank you for your January 12, 2012 speaking engagement. The title of the book is: Oh No! ( Or How My Science Project Destroyed The World) (E Barnett).

This gift will be used by many; and, for recognition, a special bookplate in acknowledgement of Middle Snake Water Resource Commission has been placed inside the cover of the book. If you have any questions, or would like additional information regarding the work of the TFPL Foundation, please contact me at 736-6205, or my email address is: [tfplfoundation@yahoo.com](mailto:tfplfoundation@yahoo.com). You are always welcome to visit my office at the Library.

Sincerely,

A handwritten signature in cursive script that reads "Diane Van Engelen".

Diane Van Engelen  
Executive Director  
TFPL Foundation, Inc.

DVE:aa



# Memo

*Sent to  
Exec Com.  
5/17/12*

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

**TO:** Commissioner Terry Kramer  
**SUBJECT:** Budget request  
**ATTENTION:**  
**DATE:** 5/17/12  
**FROM:** Bob Muffley, Executive director

A proposed budget for 2012 to 2013 was approved by the commission on 5/16/12. The proposed budget must now be approved by the Executive Committee of which you are a member, before it is sent to all member counties for inclusion in next years budget for each county. If you agree with the proposed budget, please sign the bottom of the request and return it in the enclosed envelope. If you have any concerns about the budget, please give me a call. We can call for a meeting of the Executive Committee if necessary.

The Commission has been exceedingly busy this past year. The Commission is working with Ed Ditlefsen of Web Development in Twin Falls to create a web site for the commission and the format for a new brochure on water quantity and quality issues in the region. We are also working with the University of Idaho economics department to update the current economic portion of the Coordinated Water Resource Management. This has become a more extensive process then was initially believed and probably won't be put together until our meeting in August or September. The Commission also needs to look at possible revisions to the recently adopted Drinking Water Protection Plan which is a joint effort between the Commission, IDEQ and cities in the region. We are waiting for a report from attorney Jerry Mason to see what, if anything, needs to be done. We hope his final report will be released soon.

The Commission would like to thank each of you for your support. They also want to remind you that the Commission is hear to help you if you have specific water quality or quantity concerns within your county.

From: Hines, Steven <shines@uidaho.edu>  
To: <bmuffley@muffleyagency.myrf.net>  
Subject: Economic update  
Date: Fri, 6 Apr 2012 09:06:03 -0700

*correspondence*

Bob,

After visiting with our economist on campus, he indicated he had other requests for similar information from Cassia County. He has the new data and we are going to start working on a complete update for the ag economy in the Magic Valley. Our timeline is to be finished by mid-July with new numbers.

Steve

Steven Hines

University of Idaho

Twin Falls County

Extension Educator

246 3<sup>rd</sup> Ave E.

Twin Falls, ID 83301

208-734-9590x19

**University of Idaho**  
Extension

# Memo

*Sent to all  
Exec. Committee  
members*

Middle Snake Regional  
Water Resource Commission  
122 5<sup>th</sup> 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 5<sup>th</sup> Ave. West  
Gooding, Idaho 83330  
PH: 208-934-4781 Fax: 208-934-5648**

**August 17, 2011**

**Jack Hart  
P.O. Box 66  
Murtaugh, ID 83344**

**Dear Jack:**

**On behalf of myself and each commission member, I want to thank you for your six years of service representing Twin Falls county. Water issues impacting our region can be challenging, but you took it upon yourself to learn the issues, listen to others and then make your decisions. This is all we could ask of a valued member of the Commission. The region's water resources are more protected because of your dedicated service.**

**Thanks again and we wish you the best in your future endeavors.**

**With Best Regard**

**Lew Pence  
Chairman**



## **House of Representatives State of Idaho**

Lew Pence  
122 5<sup>th</sup> Avenue West  
Gooding, ID 83330

February 3, 2011

Dear Lew,

Thank you for your interest in the matters of the water issues. I respect your positions on each. The Governor's budget includes a budget recommendation of \$348,200 for water quality monitoring. Funding will come from the Water Pollution Control Account on a one time basis. An addition of \$42,700 will be federal dollars.

At this point there is little likelihood that increased revenues will be approved by the legislature to fund this very important program effort on going. At the same time, I am pleased that funding has been recommended for this year.

In response to the removal of the IDEQ in poultry and swine monitoring, I have yet to see any relevant legislation pertaining to CAFO.

In regards to CAMP, I too am saddened by the inability of the committee to find a funding solution. I share in the belief that the aquifer is a problem and I hope we're able to work with them toward finding a solution.

Thank you again for your concern.

Kind regards,

A handwritten signature in black ink, appearing to read "Wendy Jaquet", with a large, stylized loop at the end.

Representative Wendy Jaquet

District 25

# MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION

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

January 24, 2011

Senator Michelle Stennett  
Idaho State Legislature  
State Capitol Bldg.  
P.O. Box 83720  
Boise, ID 83720-0081

*Letter To  
all Legislators in  
Region*

Dear Senator:

The Middle Snake Regional Water Resource Commission representing the counties of Cassia, Gooding, Jerome, Lincoln and Twin Falls are writing to let you know our position on water issues that impact our five county region. Those issues and our positions are listed below:

## 1. Water Monitoring:

Understanding the legislature is looking for ways to reduce funding levels in the next budget year, we must once again stress the need for water monitoring within the region. IDEQ must continue monitoring nitrate levels in ground and surface waters in the region to ensure public safety. Two areas of our region are measuring some of the highest nitrate levels in the state and levels continue to increase throughout the region. If our county commissioners don't have reliable data concerning ground water nitrate levels and trends, they may find it difficult to allow for future growth of concentrated animal feeding operations in the region. We were also seeing dramatic increases in mercury levels in several bodies of water in the region. This spurred the EPA to crack down on mining operations in Nevada. If mercury monitoring is discontinued, we have no way of knowing if mercury levels begin to drop because of these new regulations.

The public must be able to depend on the state to ensure the safety of their drinking water and the water used for recreation. The only way to measure safety is through a strong and continuous water monitoring program.

## 2. Environmental issues and concentrated animal feeding operations (CAFO's):

It is our understanding that the legislature will be asked to remove the IDEQ from regulating poultry and hogs operations and to place them under the Idaho Department of Agriculture (IDA). If this is the thinking of the legislature, we believe a self funding mechanism (such as a fee) on CAFO operators should be established to offset the cost of regulatory inspections for these facilities. We also believe that money collected through fines should stay with the agency to defray costs. Safeguards could be established to ensure the process is not abused by agency personnel. The cost of inspections should not be a burden on the tax payer.

**3. Comprehensive Aquifer Management Plan (CAMP):**

**This commission and the counties we represent have always supported the CAMP process and continue to do so. We, like many others in our region, are very disheartened by the inability of the CAMP Committee to come up with a funding solution. It seems the health of the Eastern Snake Plain Aquifer (ESPA) is a high priority as long as someone else has to pay for it. We've heard from the CAMP Committee, the Idaho Water Resource Board and various legislators as to why none of the funding options presented to date will fly. It appears to be the old don't tax me, don't tax thee, tax the guy behind the tree. This mentality doesn't solve anything. This Commission has always believed the aquifer is a problem for everyone who lives over and draws water from it and a method must be found to make all water users responsible for fixing it. We now believe the buck stops with our legislators. We must depend on your knowledge and expertise to help lead us to an equitable solution.**

**Thank you for your service to our region and the state. If we can be of service to you, don't hesitate to let us know.**

**Sincerely**

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**Lew Pence  
Chairman**

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

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

**March 18, 2010**


**Idaho Public Television  
1455 North Orchard Street  
Boise, ID 83706**

**To Whom it Concerns**

**There has been much discussion between stakeholder, the Idaho Water Resource Board, The Governor and the legislature concerning the water situation on the Eastern Snake Plain Aquifer (ESPA) over the last few years. This is a serious problem for all people residing on the ESPA. This commission discovered that many residents including people in other regions of the state are confused by the complexity of the issue. For this reason we contracted with Morgan Communications to produce the enclosed DVD entitled "Water Above and Waters Below". The DVD has been praised by those who have seen it including stakeholders throughout the ESPA. The number one comment is that the DVD does an excellent job presenting a balanced explanation of what has gone wrong and why.**

**All rights to the DVD are owned by the Middle Snake Regional Water Resource Commission and the commission has chosen to furnish it to the public at no charge. If, after viewing the DVD, you decide to present it to your viewers, please feel free to do so.**

**Sincerely**

  
**Bob J. Muffley, Executive Director**



# **MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION**

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

## **Copy of letter to Legislators**

**The Middle Snake Regional Water Resource Commission representing the counties of Cassia, Gooding, Jerome, Lincoln and Twin Falls is once again writing to let you know our position on water issues that impact our five county region. Those issues and our position statements are listed below:**

- 1. Water monitoring - We were saddened to hear that the IDEQ will discontinue its partnership with the USGS for water quality monitoring. The entire population of our region depends on aquifers for their drinking water supplies. There are two areas of our region with some of the highest nitrate levels in Idaho and other parts of the region that show nitrate levels are on the increase. We are also seeing increases in mercury levels in the above ground water resources of the region. We understand the legislature has some hard decisions to make this year, but we feel we must continually monitor throughout the region if we are to protect the health and welfare of its residents.**
- 2. Comprehensive Aquifer Management Plan (CAMP) funding legislation - This Commission has been proposing many of the goals outlined in CAMP since 1992 and we support the passage of proposed legislation offered by the Idaho Water Resource Board. This is perhaps the most important legislation of the year for South Central Idaho because of the potential economic impact to both this region and the state. We also support the governors request for one million dollars in state funding for CAMP in next years budget because it's an investment which should produce future dividends for all. We believe, however, that the contribution by power companies should reflect an actual minimum dollar amount of 1.5 million dollars as they are the ultimate beneficiaries of any increases to flows resulting from the implementation of the management plan. By placing an actual amount in the plan, power companies have an annual target for services in lieu of fees.**
- 3. Incidental recharge from normal delivery of surface water through canals - Some irrigation companies and districts are proposing that they be compensated for historic water losses associated with the delivery of irrigation water through canals. This Commission joins our local canal companies in apposing any kind of compensation to individuals, government entity, or private companies for incidental recharge associated with the delivery of surface water. Incidental recharge already takes place and does not add water to the ESPA which is the goal of CAMP. CAMP funds should only be used for projects that actually increase water flowing into the ESPA.**
- 4. The University of Idaho Extension Service must remain strong - We understand the devastating economic conditions we find ourselves in, but must advise that we don't throw**

**away the baby with the bath water. The members of this commission include businessmen, farmers, dairymen and the science community and we urge the University of Idaho and the legislature to maintain a strong Extension presence in the region. Extension agents are the fact finders, researchers and educators of our state which now, as in the past, will help lead us out this recession. We can't over emphasize the importance of our local extension agents. They are bright and hardworking men and women whose only purpose is to serve the people of this region. Their help and advise to this commission over the years has been invaluable.**

**Sincerely**

**Lew Pence, Chairman**

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

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

**January 22, 2010**

**Neal Farmer  
Special Projects Coordinator  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098**

**Dear Mr. Farmer:**

**The Commission wants to thank you for your report on the tracer tests at the Malad Gorge State Park. We reviewed the data found in the report and found it very informative. We see the need for much more study with regard to time of travel and other aquifer flow characteristics, but I'm afraid we are unable to contribute more funding at this time. Our member counties are also struggling through the bad economic times and funding for the Commission has been greatly reduced.**

**Thanks again for you request and report. I wish we could help.**

**Sincerely**

**Lew Pence, Chairman**

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

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

**August 10, 2009**

**Minidoka County Commissioners  
PO Box 368  
Rupert, ID 83350**

**Dear Commissioners:**

Commission members were saddened to hear that you are withdrawing from the Commission and would, very much, like you to reconsider. One of the primary goals in creating a regional plan and Commission was to put federal agencies on notice that our region had a water plan and had defined the customs and culture of the people living within its borders. This was done in an attempt to keep our water safe or at least safer from federal intervention. At the time our region was under the threat of losing more water resources to the federal Endangered Species Act which is still possible to this day. The Coordinated Water Resource Management Plan creates another hoop for the fed's to jump through.

The Commission has also, over the years, developed good relationships with all the state and federal agencies that can promulgate rules impacting our regions supply of quality water. We took the lead on the need for recharge back in the early 90's and we're just now seeing it go from possibility to fruition. The Commission also works as a checks and balance with the various agencies by testifying as a unified multi-county voice when rules impacting our water resources are under consideration. We also have proven many times our ability to call on legislators, agency leadership and even the Governor when something is being proposed that we may or may not like. We don't always get our way, but we are listened to and respected. This respect comes from the knowledge that we always represent the best interest of our region and our county commissioners. The Commission has always fully disclosed all information to its member counties and has never made a decision, based on our plan, that goes against a member counties best interest. Representative Burt Stevenson has always been a supporter of the Commission and came to many of our meeting during his tenure as a Minidoka County Commissioner.

At your convenience, I would like to visit with you concerning your decision. My home phone number is 208-934-4781 and my cell number is 208-308-4446. I look forward to hearing from you.

**Sincerely**

**Lew Pence, Chairman**

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

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

**June 18, 2009**

**Twin Falls County Commissioners  
PO Box 126  
Twin Falls, ID 83303-0126**

**RE: Commission's Budget Request**

**Dear Commissioners:**

**Enclosed is the proposed budget for the Commission for the next budget year. I apologize for getting this to you so late in the year. No one to blame, but me. It appears, at this time, the Commission will have a carryover of around \$10,000. The Commission has always been frugal and likes to have a carryover to cover unanticipated expenses or for educational opportunities that may arise during the year. The Commission also understands that the economy is not doing well and county budgets are being stretched to the maximum. Because of this, we have gone over our budget with the hope of saving money for our member counties. The 2009/2010 budget reflects the actual cost of running the Commission except for Legal fees which hasn't been used. It is estimated that the cost to keep the Commission going in the next budget year is \$14,450.00 which is only \$370.00 less than last year. The Commission, however, is carrying more funds in our current account than necessary so it was decided to credit back \$4,000.00 to the proposed budget reducing our funding request by nearly 28%. The Commission thanks our member counties for their support over the years and hopes this decrease in our funding request will benefit our counties and the tax payers in our region. Please call me at the phone number shown above if you have questions or disagree with the budget request. I have enclosed a ballot for approval or rejection. Please vote on the budget request and return a copy of the results of your vote in the enclosed envelope.**

**The Commission has had a busy year and I believe much was accomplished. We started the year off by reviewing the new scoring method used by the Idaho Department of Ag. for CAFO siting and recommended some changes through our testimony. We also continued to work with Ken Skinner of the USGS to update and upgrade the nitrate modeling tool for our region. Other work done by the Commission includes working with the ESPA Advisory Committee for the development of the Comprehensive Aquifer Management Plan, Working on various educational opportunities with the IDEQ and various water user groups, supported two opportunities for aquifer recharge pilot projects, and began a comprehensive review of the water quality portion of the Coordinated Water Resource Management Plan.**

**In March of this year the Commission received a request from Jerome County to look at a**

community well head protection plan and ordinance submitted to them by the city of Jerome. The purpose of the plan is to protect the cities drinking water supply by setting up a 10 mile time of travel zones within the county and allowing the city to look at all request for special use permits within those zones prior to the issuance of a permit. The Commission was surprised by the cities request because one of the purposes of our Coordinated Water Resource Management Plan is to protect the water source of all citizens in the region. Commission members from Jerome county were asked to attend a city council meeting where it was discovered that the IDEQ approached the city for the purpose of developing a community well head protection program. The IDEQ is acting under the authority of a state statute requiring the Department to work with cities in Idaho to protect their drinking water supply. The legislature passed this legislation several years ago because of an agreement they made with the EPA under the Clean Water Act. While community well head protection in Idaho is voluntary, it seems to comes with a carrot and a stick approach. If cities adopt a plan and ordinance, they may receive higher scores when working on grants for water systems. The cities can also tell their citizens that they are doing what's necessary to protect their drinking water. The only problem is that most of the 10 year time of travel zones to protect a community well head lay within the county not the city. This means that the county must also adopt the community well head protection plan and ordinance and some of the wording in the IDEQ sponsored city plan is contrary to our regional plan and, in some ways, limits the ability of county commissioners to make certain decisions on special uses within the time of travel zones. It also severely restricted aquifer recharge within the region.

The Commission decided this issue was important to the cities in our region. We proceeded by working with the Jerome County Commissioners and the IDEQ to come up with a streamlined method to allow counties to adopt an ordinance protecting community well heads while relying on the Coordinated Water Resource Management Plan to act as the basis for the ordinance. The Commission is working with the IDEQ to develop language, both in the IDEQ sample ordinance and plan used by the city of Jerome, that will protect the needs of a county and give cities the ability to comply with the state statute and the Clean Water Act. The Commission, with the help of the Jerome County Commissioners have developed a revised drinking water ordinance and plan which has been submitted to IDEQ for their review. We hope our revisions will be acceptable to the Department so we can go ahead with the necessary revisions to our plan allowing counties to adopt a community well head protection ordinance when approached by a city. IDEQ will eventually be trying to institute this program in all cities throughout the region so it behooves us to make it as simple and cost effective for the counties as we can.

I want to thank you again for the support you have given the Commission over the years and remember we are here to help you on all water issues whether regional or county level in scope.

Sincerely

Bob J. Muffley  
Executive Director

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

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

May 8, 2009

Mr. Charles Correll, Mayor  
City of Jerome  
152 East Avenue A  
Jerome, ID 83338

Dear Mr. Mayor:

Thank you for your letter of May 7<sup>th</sup>. I want to assure you that this Commission has been working on nothing else since we were made aware of the problem between the city and county of Jerome concerning well head protection. I apologize for having no official contact with you since our executive director's first letter to the city. I was hoping that you were being kept up to speed by commission members Jack Nelson and Dan Suhr. I was aware that both will be meeting with the city council on the 19<sup>th</sup>.

The Commission met in April to discuss your drinking water ordinance and have considered some possible revisions. We will again meet on the 20<sup>th</sup> of this month to study the actual well head protection plan to see if the commissioners have any concerns and to see how best to work it into our existing ordinance. After our meeting on the 20<sup>th</sup> we should be in a position to sit down with you and your designees as well as representative from the IDEQ to find a solution with all possible haste. I realize the city has been working on this for many years, but please understand we were only made aware of your efforts a few months ago. While time is of the essence, we must still carefully consider all possible ramifications to our member counties. I'm confident in the fact that we are all after the same thing. The protection of our ground water resources for the benefit of all citizens of the county.

Sincerely



Lew Pence  
Chairman

Cc: Jerome County Commissioners  
Jerome City Council  
Robert Williams  
Arthur Brown



# THE CITY OF JEROME

---

May 7, 2009

Middle Snake Regional Water Resource Commission  
122 5<sup>th</sup> Avenue West  
Gooding, Idaho 83330

Re: Water quality protection

Dear Commissioners:

The Jerome City Council is in receipt of your letter dated March 11, 2009, in which Mr. Muffley stated that the Jerome County Commissioners "are not able to consider the City's Wellhead Protection Ordinance at this time". In a previous meeting jointly held with the Jerome City Council and the Jerome County Commissioners on February 18<sup>th</sup>, 2009, the City Council members and the County Commissioners mutually agreed to have better direct communication with each other on this issue with the express intention of adopting a wellhead protection ordinance in the County. At no point since then has the County communicated to the City that it is no longer their intention to consider a wellhead protection ordinance at this time.

The City is very appreciative of the County's interest in water quality issues as expressed in the Ground and Surface Water Quality Protection Plan which was adopted in 2002. Unfortunately, this plan is no more than a statement of values and policy preferences. It is not a regulatory ordinance and there is no enforcement authority vested in the plan or in the Middle Snake Regional Water Resource Commission to enforce any of its provisions. Therefore it is imperative, in order for the quality of the drinking water to be protected in Jerome, that Jerome County adopt a wellhead protection ordinance.

In light of this confusion, the City of Jerome requests that the Middle Snake Regional Water Resource Commission recommend a specific wellhead protection ordinance for the County of Jerome that conforms to the particular needs and concerns of Jerome County. The City will also request of the Jerome County Commissioners that the Middle Snake Regional Water Resource Commission be directed to provide such a recommendation. We are confident that any revisions to the existing plan will be unnecessary as it is sufficiently general and broad in scope to provide the policy direction needed for crafting and recommending more specific water protection ordinances in each county.

As source water protection is a critical priority in Jerome County, we also feel that it will be quite unnecessary to delay the process of drafting an ordinance for Jerome County with public hearings and proceedings in other Counties that do not pertain to the unique concerns of Jerome County. Finally, we are confident that an eight to twelve month deliberation process can easily be avoided and dramatically shortened with a well



# THE CITY OF JEROME

prepared wellhead protection ordinance recommended by the Middle Snake Regional Water Resource Commission for the Jerome County Commissioners to consider.

The City and County of Jerome have been working closely together on this issue for the past ten years and are only too pleased to offer the results of our research and the City's adopted Wellhead Protection ordinance as a reference and a starting point for your work on preparing a recommendation for Jerome County. We would be delighted, should the Jerome County Commissioners so desire, if members of our own wellhead protection plan committee were invited to work with the Middle Snake Regional Water Resource Commission on this project. We have placed Mr. Jack Nelson on the City Council agenda for Tuesday, May 19<sup>th</sup>, who is one of your commissioners, and would welcome the opportunity to commence considering specific language of an ordinance to be presented to the Jerome County Commissioners at that time.

We appreciate the commitment you share in protecting the ground and surface water resources throughout the region and hope that we may be able to work together and achieve a solution to this issue that we all may be proud of. Please do not hesitate to contact me to discuss any of your questions or concerns.

Sincerely,



324-8187

Charles Correll  
Mayor  
City of Jerome

CC\bm

Enc. Jerome City and County Wellhead Protection Plan  
City of Jerome Wellhead Protection ordinance

Cc: Jerome County Commissioners  
Jerome City Council  
Arthur Brown  
Robert Williams

**MIDDLE SNAKE REGIONAL  
WATER RESOURCE COMMISSION**

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

**March 11, 2009**

**Mayor Charles Correl and City Council  
152 East Avenue A  
Jerome, ID 83338**

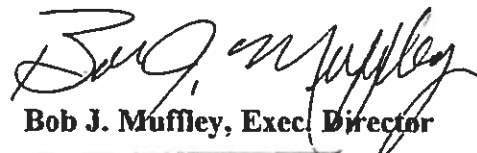
**Dear Mayor and Council Members:**

Members of this commission and I met with the Jerome County Commissioners and their legal council on March 10<sup>th</sup> and determined that the commissioners are not able to consider the City's Well Head Protection Plan at this time. Both the County Commissioners and this Commission, however, are working toward a mutually beneficial resolution to this situation. We understand your need to protect your citizens drinking water and we have the same concern. It is for that reason the Jerome County Commissioners adopted a ground and surface water quality protection plan in 2002. The problem faced by the County Commissioners is that they already have a ground water protection plan and by adopting your plan the county would find themselves having two competing ordinances.

I'm afraid the Commission made an assumption we shouldn't have made. We were under the belief that the Idaho Department of Environmental Quality (IDEQ) understood this Commission's relationship with our member counties. The Commission was formed in 1992 by a joint powers agreement to handle all water quality and quantity planning for each member county and a Coordinated Water Resource Management Plan was adopted by ordinance at that time. The Plan has been amended in 2002 and 2007.

The county and this Commission want to create a way to recognize the city's groundwater protection overlay and to that end members of the Commission met with Bill Allred and John Boker of the IDEQ on Monday the 9<sup>th</sup>. Their agency, after reading our water quality plan, agreed that there should be a way to incorporate city wellhead protection. By working on this now we should come up with a way to accept city plans from throughout the region. The only problem is time. We must make the necessary revisions to our plan and go through the hearing process. Each county will also need to hold public hearings before the change can be adopted. This process could take 8 to 12 months, but please be assured the county and this commission are making every effort to protect the source water of the city and all residents of the county through out current planning document.

**Sincerely**

  
**Bob J. Muffley, Exec. Director**

**cc Jerome County Commissioners**