

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 247

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO THE COMPREHENSIVE STATE WATER PLAN; RATIFYING AND APPROVING
2 THE COMPREHENSIVE STATE WATER PLAN WITH AMENDMENTS; AMENDING POLICY
3 1I RELATING TO AQUIFER RECHARGE, TO REVISE DISCUSSION PROVISIONS, TO
4 REVISE IMPLEMENTATION STRATEGIES AND TO REVISE MILESTONES; AMENDING
5 POLICY 1K RELATING TO COMPREHENSIVE AQUIFER MANAGEMENT PLANS, TO REVISE
6 THE POLICY STATEMENT, TO REVISE DISCUSSION PROVISIONS AND TO REVISE
7 IMPLEMENTATION STRATEGIES; AMENDING POLICY 2B RELATING TO FEDERALLY
8 LISTED AND OTHER AQUATIC SPECIES, TO REVISE DISCUSSION PROVISIONS, TO
9 REVISE IMPLEMENTATION STRATEGIES AND TO REVISE MILESTONES; AMENDING
10 POLICY 2C RELATING TO MINIMUM STREAM FLOWS, TO REVISE DISCUSSION PRO-
11 VISIONS, TO REVISE IMPLEMENTATION STRATEGIES AND TO REVISE MILESTONES;
12 AMENDING POLICY 2D RELATING TO STATE PROTECTED RIVER SYSTEM, TO RE-
13 VISE DISCUSSION PROVISIONS, TO REVISE IMPLEMENTATION STRATEGIES AND
14 TO REVISE MILESTONES; AMENDING POLICY 2E RELATING TO RIPARIAN HABITAT
15 AND WETLANDS, TO REMOVE ALL PROVISIONS IN POLICY 2E; AMENDING POLICY
16 2F RELATING TO STREAM CHANNEL REHABILITATION, TO REVISE THE POLICY
17 STATEMENT, TO REVISE DISCUSSION PROVISIONS, TO REVISE IMPLEMENTATION
18 STRATEGIES AND TO REVISE MILESTONES; AMENDING POLICY 2G RELATING TO
19 SAFETY MEASURES PROGRAM, TO REVISE THE POLICY STATEMENT, TO REVISE DIS-
20 CUSSION PROVISIONS AND TO REVISE IMPLEMENTATION STRATEGIES; AMENDING
21 POLICY 3D RELATING TO FUNDING PROGRAM, TO REVISE THE POLICY STATEMENT,
22 TO REVISE DISCUSSION PROVISIONS AND TO REVISE IMPLEMENTATION STRATE-
23 GIES; AMENDING POLICY 3E RELATING TO WATER RESOURCE PLANNING PROGRAM,
24 TO REVISE IMPLEMENTATION STRATEGIES AND TO REVISE MILESTONES; AMENDING
25 POLICY 3G RELATING TO CLIMATE VARIABILITY, TO REMOVE ALL PROVISIONS IN
26 POLICY 3G; AMENDING POLICY 4E RELATING TO SNAKE RIVER BASIN NEW STORAGE,
27 TO REVISE DISCUSSION PROVISIONS; AMENDING POLICY 6A RELATING TO CON-
28 SERVATION PLANS IN THE SALMON/CLEARWATER RIVER BASINS, TO REVISE THE
29 POLICY STATEMENT, TO REVISE DISCUSSION PROVISIONS, TO REVISE IMPLEMEN-
30 TATION STRATEGIES AND TO REVISE MILESTONES; AMENDING POLICY 6B RELATING
31 TO INSTREAM FLOW PROGRAM IN THE SALMON/CLEARWATER RIVER BASINS, TO RE-
32 VISE THE POLICY TITLE TO PROVIDE FOR MINIMUM STREAM FLOW WATER RIGHTS
33 AND OTHER INNOVATIVE MEASURES TO ADDRESS AQUATIC SPECIES CONCERNS IN
34 THE SALMON/CLEARWATER RIVER BASINS, TO REVISE THE POLICY STATEMENT, TO
35 REVISE DISCUSSION PROVISIONS, TO REVISE IMPLEMENTATION STRATEGIES AND
36 TO REVISE MILESTONES; TO PROVIDE THAT ALL STATE AGENCIES SHALL EXERCISE
37 THEIR DUTIES IN A MANNER CONSISTENT WITH THE COMPREHENSIVE STATE WATER
38 PLAN AS AMENDED; AND DECLARING AN EMERGENCY.
39

40 Be It Enacted by the Legislature of the State of Idaho:

41 SECTION 1. That pursuant to Section 42-1734B(6), Idaho Code, the Com-
42 prehensive State Water Plan (Part A) adopted by resolution of the Idaho Wa-
43 ter Resource Board on November 28, 2012, is ratified and approved with amend-

1 ments as follows:

2 Policy **1I - AQUIFER RECHARGE**. Page 15 of the Comprehensive State Water Plan.

3 Aquifer recharge should be promoted and encouraged, consistent with state
4 law.

5 **Discussion:**

6 **Managed aquifer recharge:** Managed recharge projects ~~may~~ can be an appropri-
7 ate means for enhancing ground and surface water supplies, providing mitiga-
8 tion to senior water right holders for junior ground water depletions, or to
9 help maintain desirable aquifer levels. In addition, managed recharge may
10 help optimize existing water supplies by changing the timing and availabil-
11 ity of water supplies to meet demand. ~~Managed recharge may also be used as~~
12 ~~an adaptive mechanism for minimizing the impacts of variability in climate~~
13 ~~conditions. Idaho Code § 42-234(4) requires that managed recharge projects~~
14 ~~do not injure existing water rights and gives the Director authority to ap-~~
15 ~~prove, disapprove, or require alterations in the methods employed to achieve~~
16 ~~groundwater recharge.~~ The effects on ground water and surface water budgets
17 from managed recharge projects ~~must~~ should be monitored to determine the ef-
18 fectiveness of such projects after implementation.-

19 The Board supports and assists in the development of managed recharge
20 projects that further water conservation and increase water supplies avail-
21 able for beneficial use. Projects involving the diversion of natural flow
22 water appropriated pursuant to Idaho Code § 42-234 for managed recharge in
23 excess of ten thousand (10,000) acre-feet on an average annual basis must be
24 submitted to the Idaho Water Resource Board for approval prior to construc-
25 tion. Idaho Code § 42-1737.

26 **Aquifer storage and recovery:** The use of managed recharge to store surface
27 water in a confined underground area could be an important element in meeting
28 future water use needs. Further understanding of the economic, legal, eco-
29 logical, and technical feasibility of using confined underground aquifers
30 for water storage in Idaho is required for the purpose of policy development
31 and planning and to avoid injury to existing water rights.

32 Page 16 of the Comprehensive State Water Plan.

33 **Incidental aquifer recharge:** The incidental recharge of aquifers occurring
34 "as a result of water diversion and use that does not exceed the vested wa-
35 ter right of water right holders is in the public interest." Idaho Code §
36 42-234(5)]. Incidental recharge ~~may be an~~ is a very important component of
37 some aquifer water budgets and should be maintained and encouraged consis-
38 tent with state law.

39 **Implementation Strategies:**

- 1 • Cooperate with public and private entities to develop, implement, and
2 evaluate managed recharge projects.
- 3 ~~• Identify and propose changes to statutes, rules, and policies that~~
4 ~~will assist the development and implementation of managed recharge~~
5 ~~projects.~~
- 6 • Identify river basins where the use of managed recharge projects
7 should be evaluated as a potential strategy for addressing increased
8 demand on water supplies.
- 9 • Monitor and evaluate managed recharge projects to document effects ~~on~~
10 ~~water supply and water quality.~~
- 11 • ~~Appoint an Aquifer Storage and Recovery Task Force~~ Monitor and evalu-
12 ate incidental recharge to document effects.

13 **Milestones:**

- 14 • Managed recharge projects that optimize water supplies implemented.
- 15 • Effects of managed recharge projects ~~on water supply and water qual-~~
16 ~~ity~~ documented.
- 17 • ~~Aquifer Storage and Recovery Task Force recommendations submitted~~
18 Benefits of incidental recharge documented.

19 Policy **1K - COMPREHENSIVE AQUIFER MANAGEMENT PLANS.** Page 17 of the Compre-
20 hensive State Water Plan.

21 The Idaho Water Resource Board will complete and implement comprehensive
22 aquifer management plans ~~to address the changing demands on the state's~~
23 water supply as required by the legislature.

24 Page 18 of the Comprehensive State Water Plan.

25 **Discussion:**

26 Idaho Code §§ 42-1779 and 42-1780 established the Statewide Comprehensive
27 Aquifer Planning and Management Program and the Aquifer Planning and Man-
28 agement Fund, which are designed to provide the Board and the Department
29 with the necessary information to develop comprehensive aquifer management
30 plans, ("CAMPS") throughout the state. The program will be implemented in
31 three phases. First, technical information describing the hydrology of the
32 ground and surface water systems and the relationship between surface and
33 ground water in a designated basin will be compiled. Second, the Board, with
34 the assistance of an advisory committee, will develop a management plan,
35 based on an assessment of current and projected water uses and constraints,
36 to address water supply and demand issues specific to each basin. Finally,

1 the Board will be responsible for implementing the CAMPs to obtain sus-
 2 tainable water supplies and provide for the optimum use of a region's water
 3 resources.

4 Idaho's first CAMP was developed for the Eastern Snake River Plain Aquifer
 5 ("ESPA CAMP"). The ESPA CAMP was adopted by the Idaho Water Resource Board
 6 and approved by the legislature in 2009. The ESPA CAMP sets forth ac-
 7 tions designed to stabilize and improve spring flows, aquifer levels, and
 8 river flows across the Eastern Snake River Plain. The ESPA CAMP uses a
 9 phased approach to achieve a designated water budget change through a mix
 10 of management actions, including but not limited to, aquifer recharge,
 11 ground-to-surface water conversions, and demand reduction strategies. The
 12 Board is responsible for implementation of the plan with the assistance of an
 13 advisory committee made up of representatives of stakeholders who rely upon
 14 the Eastern Snake River Plain Aquifer to supply water for beneficial use.

15 Statewide comprehensive aquifer planning was initiated in 2008.—~~T~~ and the
 16 Rathdrum Prairie plan was completed in 2011 and the Treasure Valley plan is
 17 expected to be completed in 2012. Additional aquifers will be designated for
 18 the development of comprehensive plans as funding and conditions allow.

19 **Implementation Strategies:**

- 20 • Develop and implement CAMPs for selected basins that establish goals,
 21 objectives, and implementation strategies to maximize available water
 22 supplies.
- 23 ~~• Secure funding for technical studies and planning activities.~~

24 **Milestones:**

- 25 • Number of CAMPs completed.
- 26 • Number of CAMPs implemented.

27 Policy **2B- FEDERALLY LISTED AND OTHER AQUATIC SPECIES**. Page 25 of the Compre-
 28 hensive State Water Plan.

29 The state asserts primacy over the management of its fish and wildlife
 30 and water resources. Accordingly, any reintroduction or introduction
 31 of federally listed species or other aquatic species without state
 32 consultation and approval is against the policy of the State of Idaho
 33 because it would impair or impede the state's primacy over its water
 34 resources.

35 **Discussion:**

36 The intersection between state water rights and the Endangered Species Act
 37 ("ESA") requires development of integrated solutions to water allocation

1 conflicts. Pursuant to Idaho Code § 36-103, the Idaho Fish and Game Commis-
2 sion, through the IDFG, is responsible for the preservation, protection,
3 perpetuation, and management of all wildlife, including aquatic species,
4 within Idaho. ~~IDFG also maintains a list of Species of Greatest Conser-~~
5 ~~vation Need, species that are low in numbers, limited in distribution, or~~
6 ~~have suffered significant habitat losses.~~ The OSC is responsible for the
7 coordination of all state activities affecting endangered, threatened, and
8 candidate species, and species petitioned to be listed under the ESA, and
9 rare and declining species. Idaho Code § 67-818. OSC coordinates state
10 implementation and response to federal recovery plans and participates in
11 regional efforts with state and federal agencies and tribes on issues re-
12 lated to such species. Idaho Code § 67-818. Pursuant to Chapter 19, Title
13 22, Idaho Code, the ISDA is responsible for the regulation of aquatic inva-
14 sive species. All activities related to the introduction or reintroduction
15 of aquatic species that would affect Idaho's fish and

16 Page 26 of the Comprehensive State Water Plan.

17 wildlife and water resources should be coordinated through these agencies,
18 including species listed under the ESA.

19 In enacting the ESA, Congress contemplated a state-federal alliance to ad-
20 vance the recovery of listed species and provided for the development of
21 state-led recovery efforts. Congress has directed federal agencies to "co-
22 operate with state and local agencies to resolve water resource issues in
23 concert with conservation of endangered species." 16 U.S.C. § 1531(c)(2).
24 Cooperative community-based conservation programs can be more effective in
25 providing on-the-ground habitat benefits than enforcement actions. With
26 site-specific information about water and land use practices and habitat
27 requirements, targeted and effective conservation strategies can be devel-
28 oped and implemented that protect private property rights and assure state
29 primacy over water resources while, at the same time, providing natural re-
30 source protection.

31 The Idaho Water Resource Board holds minimum stream flow water rights for
32 205 river reaches important to ~~ESA-listed~~ aquatic species and established
33 as part of the Snake River Water Rights Settlement Act of 2004 ("2004 Snake
34 River Water Rights Agreement"). The minimum stream flow water rights pro-
35 vide significant protection for ~~ESA-listed~~ aquatic species in the Salmon and
36 Clearwater River basins. The water rights for streams in watersheds with
37 substantial private land ownership and private water use were established
38 after consultation with local communities. Where the minimum stream flow
39 water rights are higher than existing flows, the state works with water users
40 on a voluntary basis to rent or otherwise acquire water to return to the
41 streams. ~~The Water Supply Bank and Idaho Water Transactions Program are used~~
42 ~~to achieve these objectives.~~ In conjunction with the minimum stream flows,
43 the state agreed to work with local stakeholders and communities to address
44 habitat concerns on a limited number of streams with degraded habitat. ~~The~~
45 ~~work plans include measures to remove barriers to fish passage, revegetate~~
46 ~~stream banks, and restore wetlands to proper functioning.~~ These programs

1 also assist in the implementation of the Columbia Basin Fish Accords in
 2 which the state, the Bonneville Power Administration, and the U.S. Army
 3 Corps of Engineers ("USACE") agreed to address issues associated with the
 4 direct and indirect effects of the Federal Columbia River Power System and
 5 U.S. Bureau of Reclamation's ("USBOR") Upper Snake River Project on the fish
 6 and wildlife resources in the Columbia River Basin. ~~As discussed in Policy~~
 7 ~~6B, these projects target flow-related limiting factors in the Lemhi and~~
 8 ~~Pashimeroi rivers.~~

9 The 2004 Snake River Water Rights Agreement also provides for the develop-
 10 ment of agreements to assist in the recovery of ESA-listed species, under
 11 Section 6 of the ESA. The plans are to be developed in collaboration with lo-
 12 cal landowners and water users, affected Indian tribes, and state and fed-
 13 eral natural resource agencies. Section 6 agreements will provide incen-
 14 tives for conservation through the granting of incidental take coverage to
 15 participants in the program. Such agreements would provide participating
 16 water users with protection against uncertainty and regulatory delays while
 17 contributing to the recovery of listed species. Section 6 of the ESA may
 18 also provide opportunities for the implementation of voluntary conservation
 19 plans developed in collaboration with local water users and stakeholders in
 20 other regions of the state. The Board, in collaboration with other state
 21 agencies and local units of government, develops

22 Page 27 of the Comprehensive State Water Plan.

23 local and regional conservation strategies that contribute to the
 24 protection and recovery of ESA-listed species and Species of Greatest Con-
 25 servation Need aquatic species.

26 **Implementation Strategies:**

27 • ~~Participate in the development and implementation of habitat conser-~~
 28 ~~vation plans pursuant to Section 6 agreements.~~

29 • ~~Collaborate with OSC, IDFG, other state and federal agencies, af-~~
 30 ~~ected Indian tribes, local units of government and local stakeholders~~
 31 ~~to develop and implement conservation programs that preclude the need~~
 32 ~~for listing of species and contribute to listed species' recovery.~~

33 • ~~Coordinate with OSC and IDFG to integrate water resource programs~~
 34 ~~with species protection and recovery, including the establishment~~
 35 ~~of minimum stream flows and state designation of protected rivers on~~
 36 ~~species conservation issues.~~

37 **Milestones:**

38 • Number of Section 6 agreements implemented.

1 • ~~Number of voluntary conservation agreements and measures imple-~~
2 ~~mented.~~

3 • Number of strategies implemented and coordination with OSC and IDFG
4 that preclude the need for listing under the ESA and result in listed
5 species' recovery.

6 Policy **2C- MINIMUM STREAM FLOWS**. Page 27 of the Comprehensive State Water
7 Plan.

8 The Idaho Water Resource Board will exercise its authority to establish and
9 to protect minimum stream flow water rights on those water bodies where it
10 is in the public interest to protect and support instream uses.

11 **Discussion:**

12 Minimum stream flows protect and support many nonconsumptive beneficial
13 uses of water such as fish and wildlife habitat, aquatic life, recreation and
14 aesthetic values, transportation, navigation, hydropower generation, and
15 water quality. These uses contribute to Idaho's economy and the well being
16 of its citizens.

17 In 1925 and 1927, the legislature declared that the preservation of certain
18 lakes for scenic beauty, health, and recreation was a beneficial use of wa-
19 ter. In 1971, the legislature authorized the first formal appropriation of
20 minimum stream flows by directing the Idaho Department of Parks and Recre-
21 ation to appropriate a specific reach of Niagara Springs in the Malad Canyon
22 area for instream flow purposes. The 1976 State Water Plan called for, and
23 eventually legislation was enacted, creating a state-wide minimum stream
24 flow program. Chapter 15, Title 42, Idaho Code, authorizes the Idaho Water
25 Resource Board to appropriate the minimum flow of water required to protect
26 designated uses if the appropriation is in the public interest and will not
27 interfere with any vested water right, permit, or water right application
28 with a senior priority. Idaho currently has 297 licensed or permitted water
29 rights for minimum stream flow purposes, including six minimum

30 Page 28 of the Comprehensive State Water Plan.

31 lake level water rights held by the state. At the legislature's direction,
32 205 of the minimum stream flow water rights were adopted pursuant to the 2004
33 Snake River Water Rights Agreement ~~which, as discussed more fully in Pol-~~
34 ~~icy 6B, provided a programmatic approach to addressing the needs of species~~
35 ~~listed under the ESA.~~ Similarly, the legislature has authorized the Board
36 to appropriate minimum stream flow water rights in the Lemhi and Wood River
37 basins where the rights are maintained through operation of a Water Supply
38 Bank. These locally managed programs are used to ~~maintain or enhance in-~~
39 ~~stream flow~~ meet minimum stream flow water rights in a manner that respects
40 water use practices and addresses community concerns.

1 The Water Supply Bank and local rental pools are tools that can be used to
 2 ~~improve instream flows~~ meet minimum stream flow water rights through vol-
 3 untary cooperation and to meet local needs. It is important to monitor ex-
 4 isting mechanisms for establishing local rental pools to determine whether
 5 additional strategies are required to meet local needs. It is also impor-
 6 tant to monitor whether existing mechanisms for meeting ~~instream flow needs~~
 7 minimum stream flow water rights are adequate.

8 **Implementation Strategies:**

- 9 • Monitor whether existing mechanisms for meeting ~~instream flow~~
 10 minimum stream flow water rights needs are adequate.
- 11 • Coordinate with state and federal agencies and stakeholders to iden-
 12 tify potential minimum stream flow needs.
- 13 • Submit applications for minimum stream flow water rights ~~that are in~~
 14 the public interest pursuant to Chapter 15, Title 42, Idaho Code.
- 15 • Monitor existing mechanisms for establishing local rental pools to
 16 determine whether additional strategies are required to meet local
 17 needs.
- 18 • Establish local rental pools to meet ~~instream flow needs as requested~~
 19 minimum stream flow water rights.

20 **Milestones:**

- 21 • Annual inventories of minimum stream flow water rights completed.
- 22 • Minimum stream flow water rights established.
- 23 • ~~Instream flow needs~~ Minimum stream flow water rights met.

24 Policy **2D- STATE PROTECTED RIVER SYSTEM**. Page 28 of the Comprehensive State
 25 Water Plan.

26 The Idaho Water Resource Board will exercise its authority to protect the 27 unique features of rivers where it is in the public interest to protect 28 recreational, scenic, and natural values.
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29 **Discussion.**

30 Idaho Code § 42-1734A(1) authorizes the Board to protect highly valued wa-
 31 terways as state protected rivers, subject to legislative approval. The au-
 32 thority to designate "protected rivers" derives from the state's ownership
 33 of the beds of navigable streams and the state's right to regulate all

34 Page 29 of the Comprehensive State Water Plan.

1 waters within the state. The Idaho Water Resource Board has consistently
 2 recognized the value of free-flowing waterways by designating specific
 3 streams and rivers as natural or recreational rivers.

4 Although rivers can be protected under the federal Wild and Scenic Rivers
 5 Act, the Board works with federal officials to seek protection of streams
 6 and rivers through the Comprehensive State Water Planning process. The
 7 state planning process ensures coordinated and efficient water planning for
 8 Idaho rivers and streams and avoids potential state/federal sovereignty
 9 conflicts.

10 **Implementation Strategies:**

11 ~~• Coordinate with local governments and federal agencies to identify~~
 12 ~~specific waterways for consideration as protected rivers.~~

13 • Develop priority list of potential rivers for consideration in com-
 14 prehensive basin planning.

15 • Establish agency policy and procedures to ensure requirements of the
 16 protected rivers program are addressed when the Department reviews wa-
 17 ter right permit applications and stream channel alteration permits.

18 ~~• Ensure that permits issued include provisions for the protection,~~
 19 ~~restoration, or enhancement of designated river reaches.~~

20 **Milestones:**

21 ~~• Ongoing review of state rivers and streams to determine whether they~~
 22 ~~should be designated as part of the protected river system.~~

23 ~~• Number of state/federal agreements to coordinate river planning im-~~
 24 ~~plemented.~~

25 • Designation of streams or rivers determined to warrant protected sta-
 26 tus.

27 Policy **2E- RIPARIAN HABITAT AND WETLANDS**. Page 29 of the Comprehensive State
 28 Water Plan.

29 ~~**2E- RIPARIAN HABITAT AND WETLANDS**~~. (Section number reserved.)

30 ~~Protecting the ecological viability of riparian habitat and wetlands~~
 31 ~~within the state is a critical component of watershed planning.~~

32 **Discussion:**

33 ~~Functional riparian zones and wetlands contribute to water quality protec-~~
 34 ~~tion, storm water control, and ground water protection and provide important~~

1 ~~habitat for fish and wildlife. Riparian and wetlands areas provide support~~
 2 ~~to numerous species across much of the state. Riparian zones and wetlands~~
 3 ~~should be protected to preserve their ecological values and functions. The~~
 4 ~~Board supports voluntary efforts to restore riparian zones and wetlands.~~

5 ~~The integration of water resource and land use planning activities that af-~~
 6 ~~fect riparian zones and wetlands requires coordination among various local,~~
 7 ~~regional, and state authorities. The Department regulates the alteration of~~
 8 ~~stream channels and stream beds~~

9 Page 30 of the Comprehensive State Water Plan.

10 ~~below the mean high watermark. Idaho Code §§ 42-3801 - 42-3812. Local~~
 11 ~~governments are authorized to regulate land use and development. The DEQ ad-~~
 12 ~~ministers the state's Nonpoint Source Management Program which is based upon~~
 13 ~~strong working partnerships and collaboration with state, tribal, regional,~~
 14 ~~and local entities, private sector groups, citizens' groups, and federal~~
 15 ~~agencies and the recognition that a successful program must be driven by~~
 16 ~~local wisdom and experience.~~

17 ~~In 2008, the Idaho Wetlands Working Group developed a Draft Wetlands Con-~~
 18 ~~servation Strategy that sets out a framework for protecting, restoring, and~~
 19 ~~enhancing wetlands through collaborative, voluntary approaches. The Board~~
 20 ~~supports voluntary watershed-based conservation strategies for the protec-~~
 21 ~~tion of riparian and wetland areas above the mean high water mark developed~~
 22 ~~and implemented through collaboration with water users, land managers, lo-~~
 23 ~~cal governments, and state and federal agencies.~~

24 **Implementation Strategies:**

25 ~~• Support collaborative watershed planning and the implementation of~~
 26 ~~voluntary strategies to protect Idaho's wetlands and riparian areas.~~

27 ~~• Support the development of guidelines and strategies to assist in the~~
 28 ~~implementation of projects that protect, restore, and enhance wetlands~~
 29 ~~and riparian areas.~~

30 ~~• Evaluate whether the Stream Channel Protection Act, [Idaho Code §§~~
 31 ~~42-3801 - 42-3812], adequately assists in the protection of wetlands~~
 32 ~~and riparian areas and propose statutory changes as appropriate.~~

33 ~~• Assist state and federal agencies and stakeholders in the acquisition~~
 34 ~~of funding for project implementation.~~

35 **Milestones:**

36 ~~• Project and funding proposals submitted.~~

37 ~~• Projects implemented.~~

1 Policy **2F- STREAM CHANNEL REHABILITATION**. Page 30 of the Comprehensive State
2 Water Plan.

3 The Idaho Water Resource Board will support cost-effective stream channel
4 rehabilitation where past activities adversely affect ~~or could affect the~~
5 ~~ecological goods and services of the state's watersheds.~~

6 **Discussion:**

7 ~~Functional stream channels provide ecological goods and services desired by~~
8 ~~the public. Ecological goods are those qualities that have economic value,~~
9 ~~such as timber resources, habitat that supports fishing and hunting, and~~
10 ~~aesthetic qualities of landscapes that would attract tourists. Ecological~~
11 ~~services include systems that best manage water resources, such as the reg-~~
12 ~~ulation of runoff and flood waters, or the stabilization of landscapes to~~
13 ~~prevent erosion. Damage and destruction of stream channels can result from~~
14 ~~natural and~~

15 Page 31 of the Comprehensive State Water Plan.

16 human-caused changes and disturbances. Where current practices, legacy ef-
17 fects of past activities, or natural disturbances threaten public safety,
18 private property, or the overall quality and quantity of water produced in
19 the affected watershed, it is in the state's interest to take remedial ac-
20 tion in a cost-effective manner. In many instances, historical targets for
21 restoration are not practical and therefore restoration efforts should be
22 designed to be sustainable in a rapidly-changing environment. Preventing
23 damage to a stream channel and adjacent property is more cost effective than
24 restoration. In addition, it is in the state's interest to ensure that the
25 stream channels of the state and their environments are protected and re-
26 stored through the implementation of voluntary restoration projects. The
27 Department also regulates the alteration of stream channels and stream beds
28 below the mean high watermark. Idaho Code §§ 42-3801 - 42-3812.

29 **Implementation Strategies:**

30 ~~• Conduct a statewide inventory of streams where natural events or hu-~~
31 ~~man activities have altered channels and the disturbances threaten the~~
32 ~~public safety, private property, or other water resource values.~~

33 • Conduct cost/benefit analyses for rehabilitation of affected
34 streams.

35 • Prioritize projects.

36 ~~• Obtain funding for restoration of prioritized streams.~~

37 **Milestones:**

- 1 • ~~Inventory conducted.~~
- 2 • Cost/benefit analyses conducted and priorities established.
- 3 • ~~Funding obtained.~~
- 4 • Projects implemented.

5 Policy **2G- SAFETY MEASURES PROGRAM.** Page 31 of the Comprehensive State Water
6 Plan.

7 Owners of water distribution and storage facilities are encouraged to
8 establish or continue voluntary safety initiatives including construction
9 and maintenance of safety features and development of public awareness
10 programs to educate residents about hazards associated with these
11 facilities.

12 **Discussion:**

13 Fatal accidents sometimes occur in waterways at or near water distribution
14 and storage facilities in Idaho because of the inherent dangers of these fa-
15 cilities. With the increasing urbanization of rural areas, there has been a
16 greater effort to provide public awareness programs and, where feasible, im-
17 plement measures designed to ~~prevent~~ reduce such occurrences. The Idaho Wa-
18 ter Resource Board supports these voluntary initiatives.

19 **Implementation Strategies:**

- 20 • ~~Secure and provide funding for the~~ Encourage the continued construc-
21 tion and maintenance of safety features at water distribution and stor-
22 age facilities.

23 Page 32 of the Comprehensive State Water Plan.

- 24 • Encourage the implementation of public safety awareness programs.

25 **Milestones:**

- 26 • Reduced number of accidents associated with water distribution and
27 storage facilities.

28 Policy **3D- FUNDING PROGRAM.** Page 37 of the Comprehensive State Water Plan.

29 Various ~~f~~Funding mechanisms exist to support the development,
30 preservation, conservation, and restoration of the water resources of
31 the state ~~should be based on flexible strategies that provide equitable~~
32 benefits.

1 **Discussion:**

2 The water resources of the state are essential to Idaho's economy and its
3 citizens. There is no single strategy for successfully financing water
4 resource projects. ~~Instead, funding mechanisms for water planning and~~
5 ~~management should be based on flexible strategies that are broad-based~~
6 ~~and provide equitable benefits. Strategies for financing water resource~~
7 ~~programs may include state appropriations, the establishment of water~~
8 ~~management improvement or conservancy districts, targeted user fees, the~~
9 ~~development of a state water fund supported by power franchise fees, tar-~~
10 ~~geted sales, property, or special product and services taxes, and revenue~~
11 ~~bonds. While the existing institutional and legal framework may be adequate~~
12 ~~for some projects, it is important to develop innovative approaches that~~
13 ~~are responsive to future needs. Transparency and clarity about the intent~~
14 ~~and limitations of any particular funding strategy will help ensure that a~~
15 ~~strategy is used and evaluated appropriately. Projects proposed for funding~~
16 ~~must be in the public interest and in compliance with the State Water Plan.~~

17 The Board's Revolving Development Fund and Water Management Account are sup-
18 ported by appropriations from the state's general fund, federal funds, and
19 other revenue sources. These programs have and will continue to provide fi-
20 nancial assistance to project sponsors for water development and conserva-
21 tion, system rehabilitation, and treatment projects. The Board is also au-
22 thorized to finance water projects with revenue bonds. The issuance of rev-
23 enue bonds does not constitute a general obligation of the state or the Idaho
24 Water Resource Board.

25 ~~Sources of funding for programs focused on the protection and restoration of~~
26 ~~species listed under the ESA include 2004 Snake River Water Rights Agreement~~
27 ~~appropriations, the Columbia Basin Water Transaction Program, the Pacific~~
28 ~~Coast Salmon Recovery Fund, and the 2008 Columbia Basin Fish Accords.~~

29 ~~The ESPA CAMP provides for a water-user fee in conjunction with state appro-~~
30 ~~priations. Implementation of strategies for addressing regional water use~~
31 ~~issues on the Eastern Snake River Plain Aquifer will assist in the develop-~~
32 ~~ment of comprehensive aquifer management implementation plans in other ar-~~
33 ~~reas of the state.~~

34 Page 38 of the Comprehensive State Water Plan.

35 The Board will continue to pursue opportunities for partnerships with the
36 federal government and private entities to determine the feasibility of in-
37 creasing water supplies through development of additional storage capacity.
38 As discussed in Policy 4E, the Board has entered into agreements with the US-
39 ACE and the USBOR for studies in the Boise River and Snake River basins. As
40 demands increase on Idaho's water storage and delivery systems, the need for
41 additional water storage feasibility studies and funding partnerships will
42 be assessed.

43 **Implementation Strategies:**

1 • ~~Review existing authorities and identify changes needed to optimize~~
2 ~~financing for water resource projects.~~

3 • Evaluate Idaho Water Resource Board financial program procedures to
4 determine whether revisions are needed to improve efficiency and acces-
5 sibility.

6 • ~~Pursue opportunities for private funding partnerships.~~

7 • Pursue opportunities for local, federal, and intra-state voluntary
8 private funding partnerships and projects.

9 **Milestones:**

10 • Financial programs and funding strategies meet the future water re-
11 source needs of the state.

12 Policy **3E- WATER RESOURCE PLANNING PROGRAM**. Page 38 of the Comprehensive
13 State Water Plan.

14 Comprehensive water planning will help ensure sufficient water supplies to
15 satisfy Idaho's future water needs.

16 **Discussion:**

17 Idaho Code § 42-1734A(1) directs the Idaho Water Resource Board to formulate
18 and adopt a comprehensive state water plan for conservation, development,
19 management and optimum use of all unappropriated water resources and water-
20 ways of the state. The legislature also authorized the Idaho Water Resource
21 Board to develop plans for specific geographical areas. Comprehensive plans
22 for individual hydrologic river basins include state protected river des-
23 ignations and basin-specific recommendations concerning water use and re-
24 source values. Basin plans also assure that the state's interests will be
25 considered in federal management agency decisions. Public review and com-
26 ment ensures that the state water plan serves the public interest.

27 As demands for water increase, the need for water-related planning es-
28 calates. The planning process provides opportunities for involving all
29 affected parties - water users, resource managers, and policymakers, iden-
30 tifies problems, alternatives, and solutions, and allows for continuous
31 updating and revisions in light of new problems and opportunities.

32 Page 39 of the Comprehensive State Water Plan.

33 In exercising its responsibilities for water resource planning, the Board
34 will focus on the coordination of local, state and federal planning activi-
35 ties to minimize duplication and to promote the optimum use of Idaho's water
36 resources.

1 **Implementation Strategies:**

- 2 ~~• Review and update existing agreements for coordinated water resource~~
 3 ~~planning.~~
- 4 ~~• Develop new cooperative planning agreements.~~
- 5 • ~~Secure funding to e~~Complete CAMPs for priority aquifers consistent
 6 with the schedule established by the Board.

7 **Milestones:**

- 8 ~~• Cooperative planning agreements executed and implemented.~~
- 9 ~~• Adoption of Treasure Valley and Rathdrum Prairie CAMPs.~~
- 10 • ~~Completion and a~~Adoption of CAMPs for remaining priority aquifers.

11 Policy **3G- CLIMATE VARIABILITY**. Page 40 of the Comprehensive State Water
 12 Plan.

13 **3G- CLIMATE VARIABILITY** (Section number reserved.)

14

Preparedness strategies should be developed to account for the impact of
 15 climate variability on the state's water supplies.

16 **Discussion.**

17 Evidence suggests that currently the Earth's climate is warming and that
 18 warming may continue into the foreseeable future. While recognizing the
 19 uncertainties inherent in climate prediction, it is important to anticipate
 20 how a warming climate can potentially affect water supplies and plan accord-
 21 ingly.

22 Climate experts are less confident about how continued warming will affect
 23 the overall amount of precipitation Idaho receives, but changes in sea-
 24 sonal stream flows and increased annual variability have been documented.
 25 It is expected that seasonal flows in snowmelt-fed rivers will occur ear-
 26 lier, summer and fall stream flows will be reduced, and water temperatures
 27 will increase. Increased precipitation in the form of rain and fewer, but
 28 more intense, storm events are expected to result in more severe droughts
 29 and greater flooding. Potential impacts could also include more evapo-
 30 ration, reduced ground water recharge, water quality challenges, reduced
 31 productivity of hydropower facilities, and irreversible impacts on natural
 32 ecosystems. Water resource managers must evaluate and plan for these pos-
 33 sibilities.

1 ~~Planning for the potential impacts of climate variability requires in-~~
 2 ~~creased flexibility in water management and the identification of existing~~
 3 ~~tools that can be adapted to address~~

4 Page 41 of the Comprehensive State Water Plan.

5 ~~climate-induced changes in water supplies. Increased monitoring and data~~
 6 ~~collection as well as conducting an initial vulnerability analysis for wa-~~
 7 ~~tersheds will help managers develop adaptive approaches to changes in the~~
 8 ~~hydrologic regime that may accompany an increase in climate variability.~~
 9 ~~Increasing public awareness and strengthening community and regional part-~~
 10 ~~nerships to manage shared water resources are proactive steps that should be~~
 11 ~~taken now to provide for the optimum use of Idaho's water resources.~~

12 **Implementation Strategies:**

13 ~~• Evaluate existing legal and institutional tools and constraints that~~
 14 ~~can be adapted to provide flexibility for water resource managers.~~

15 ~~• Implement a collaborative approach to the analysis of reservoir oper-~~
 16 ~~ation rule curves that adequately considers past and current hydrologic~~
 17 ~~data.~~

18 ~~• Pursue expansion and diversification of water supplies, including~~
 19 ~~increased surface and ground water storage.~~

20 ~~• Develop and update flood-risk assessments and environmental impact~~
 21 ~~mitigation measures.~~

22 ~~• Identify and implement adaptive mechanisms to address the impact of~~
 23 ~~climate variability on water supplies.~~

24 ~~• Establish stakeholder forums involving state and local water sup-~~
 25 ~~ply managers, scientists, state and federal agencies, and water users~~
 26 ~~to enhance understanding about the science of climate variability, to~~
 27 ~~share information about existing and potential tools for ameliorating~~
 28 ~~the impact of climate variability, and to increase understanding of the~~
 29 ~~challenges facing water users and managers.~~

30 **Milestones:**

31 ~~• Completion and implementation of updated flood control rule curves.~~

32 ~~• Construction or expansion of water supply projects.~~

33 ~~• Finalization of risk assessment studies.~~

34 ~~• Documentation of legal and institutional framework and water manage-~~
 35 ~~ment tools that anticipate and respond to climate variability.~~

- 1 • ~~Establishment of regional forums that encourage the development of~~
- 2 ~~collaborative programs and decision making.~~
- 3 • ~~Funding mechanisms in place for climate variability preparedness and~~
- 4 ~~risk assessment.~~

5 Policy **4E- SNAKE RIVER BASIN NEW STORAGE**. Page 55 of the Comprehensive State
6 Water Plan.

7 Development of new on-stream, off-stream, and aquifer storage is in the
8 public interest; provided, however, applications for large surface
9 storage projects in the Milner to Murphy reach of the Snake River should be
10 required to mitigate for impacts on hydropower generation.

11 **Discussion:**

12 **ESPA Managed Recharge Pilot Program**

13 Recharging aquifers as a water supply alternative has significant poten-
14 tial to address water supply needs, in addition to addressing conjunctive
15 management issues. Pursuant to the ESPA CAMP, the Board is undertaking a
16 five-year pilot program of managed aquifer recharge to the Eastern Snake
17 Plain Aquifer. One of the potential benefits of managed recharge in the ESPA
18 is increased water storage in the aquifer. Effectiveness monitoring and
19 evaluation results will be used to select and design future managed recharge
20 strategies and projects.

21 **Surface Water Projects**

22 New Snake River surface storage projects should be investigated and con-
23 structed if determined to be feasible. Although there are major dams and
24 reservoirs designed for water storage, flow regulation, and flood control on
25 the Snake River and its tributaries, their existing capacity is insufficient
26 to provide the water supply and management flexibility needed for the myriad
27 of existing and future beneficial uses.

28 Diversion of water from the main stem of the Snake River between Milner and
29 the Murphy Gaging station for storage during the period November 1 to March
30 31 will have a significant impact on hydropower generation. Thus, any new
31 storage projects in this reach should be coupled with provisions that miti-
32 gate for the impact of such storage depletions on hydropower generation. The
33 term "mitigation" is defined as causing to become less harsh or hostile, and
34 is used here rather than "compensate" which connotes equivalence. Method-
35 ology will be developed for use in calculating impacts on hydropower genera-
36 tion as part of any application to construct new storage within this reach of
37 the Snake River.

38 A number of studies focusing on water storage as one potential measure for
39 addressing water supply demand and flood risk reduction are underway. This

1 section provides a brief description of the most significant studies that
2 have been initiated or are in the planning process.

3 **Henry's Fork Project/Teton River Basins**

4 The Board and the U.S. Bureau of Reclamation are conducting a study of water
5 resources in the Henry's Fork/Teton River Basins to develop alternatives
6 for improving water supply conditions in the Eastern Snake Plain Aquifer
7 and upper Snake River Basin. These alternatives include new water storage
8 projects, enlargement of existing reservoirs,

9 Page 56 of the Comprehensive State Water Plan.

10 and conservation and water management strategies, including managed aquifer
11 recharge and automated water delivery systems.

12 **Minidoka Dam Enlargement**

13 In the 1980s, the Bureau of Reclamation and irrigation districts initiated
14 the required planning process and feasibility studies to replace the spill-
15 way and two canal headworks due to the state of deterioration and potential
16 for ongoing damage to sections of the Minidoka Dam. In 2008, the Board part-
17 nered with the Bureau of Reclamation to also evaluate the structural raising
18 of Minidoka Dam to accommodate a 5-foot rise in normal reservoir surface ele-
19 vation, in conjunction with planned spillway repairs. The study found that a
20 5-foot rise is technically feasible, and would provide an additional 67,000
21 acre-feet of storage with an average annual yield of 33,000 acre-feet. Fund-
22 ing for the enlargement of Minidoka Dam, however, is currently not avail-
23 able. If economic or other conditions change, the Board will consider fur-
24 ther evaluation of this storage option.

25 ~~**ESPA Managed Recharge Pilot program**~~

26 ~~Recharging aquifers as a water supply alternative has significant poten-~~
27 ~~tial to address water supply needs, in addition to addressing conjunctive~~
28 ~~management issues. Pursuant to the ESPA CAMP, the Board is undertaking a~~
29 ~~five-year pilot program of managed aquifer recharge to the Eastern Snake~~
30 ~~Plain Aquifer. One of the potential benefits of managed recharge in the ESPA~~
31 ~~is increased water storage in the aquifer. Effectiveness monitoring and~~
32 ~~evaluation results will be used to select and design future managed recharge~~
33 ~~strategies and projects.~~

34 **Lower Boise River Interim Feasibility Study**

35 The lower Boise River corridor, from Lucky Peak Dam to its confluence with
36 the Snake River has experienced rapid population growth and significant
37 urban development over the past several decades. As a consequence, there
38 is renewed interest in addressing water supply and flood control issues.
39 Interest has also been expressed in environmental restoration, to include
40 habitat preservation, aesthetics and recreation along the Boise River.

1 In 2009, the Board and the U.S. Army Corps of Engineers partnered to conduct
2 an Interim Feasibility Study focused on water storage potential and flood
3 reduction in the Boise River Basin. A preliminary analysis ranked an en-
4 largement of Arrowrock Reservoir as the highest priority alternative, fol-
5 lowed by the construction of a new reservoir at the Alexander Flat site and a
6 new reservoir at the Twin Springs site. A preliminary analysis completed in
7 2011 concluded that based on existing information, raising Arrowrock Dam is
8 technically feasible. The evaluation identified a number of uncertainties
9 that will be addressed during future study and data collection efforts, as
10 funding becomes available.

11 **Weiser-Galloway Gap Analysis, Economic Evaluation and Risk-Based Cost Anal-**
12 **ysis (Gap Analysis)**

13 Water storage on the Weiser River and at the Galloway site has been studied
14 for decades. In 1954, the Corps received a study authorization resolution
15 for the Galloway Project

16 Page 57 of the Comprehensive State Water Plan.

17 from the U.S. Senate Public Works Committee. In the early 1970s, federal
18 lands for the potential Galloway dam and reservoir site were classified
19 and withdrawn for hydropower purposes by the Federal Power Commission (now
20 FERC). In 2008, Idaho House Joint Memorial 8 directed the Board to inves-
21 tigate water storage projects statewide, including the Weiser-Galloway
22 Project. The Board and the Corps partnered to conduct a "Gap Analysis" which
23 was completed in March 2011. The Gap Analysis was designed to inform deci-
24 sion makers of critical information gaps that need to be addressed before
25 deciding whether to move forward with comprehensive new environmental, en-
26 gineering, and economic feasibility studies. The analysis identified two
27 critical information gaps that must be resolved before moving forward:

28 1. Determine the safety, suitability, and integrity of geologic struc-
29 tures at the potential dam and reservoir site.

30 2. Evaluate whether basin and system benefits would be realized by
31 analyzing a series of system operating scenarios with a range of new
32 storage options on the Weiser River. Potential benefits include flood
33 risk reduction, hydropower, additional water storage, pump back, irri-
34 gation, recreation, and flow augmentation requirements for anadromous
35 fish recovery. On July 29, 2011, the Idaho Water Resource Board autho-
36 rized expenditure of up to \$2 million to address these questions, and
37 the required studies are currently underway.

38 **Implementation Strategies:**

39 • Implement a long-term managed aquifer recharge program to achieve an
40 average annual recharge of 250,000 - 300,000 acre feet. In recognition
41 that implementation of managed recharge will have an effect on the flow
42 characteristics of the Snake River above and below Milner Dam and in or-

1 der to confirm the relative merits of managed recharge, the Board's man-
 2 aged recharge program will be limited to not more than 175,000 acre-feet
 3 on an average annual basis until January 1, 2019.

4 • Evaluate the economic, social and environmental benefits and costs of
 5 the proposed surface projects.

6 **Milestones:**

7 • Aquifer recharge program implemented.

8 • Actions taken to determine feasibility of identified storage
 9 projects.

10 Policy **6A- CONSERVATION PLANS IN THE SALMON/CLEARWATER RIVER BASINS**. Page 71
 11 of the Comprehensive State Water Plan.

12 Voluntary, community-based conservation plans and strategies for the
 13 benefit of ~~ESA-listed~~ aquatic species and ~~other species of concern~~ are
 14 key are a components of water planning and management in the Salmon and
 15 Clearwater River Basins.

16 **Discussion:**

17 The Salmon and Clearwater River basins support a thriving agricultural
 18 industry and significant tourism. Because a number of fish species in the
 19 Salmon and Clearwater River basins have been listed as threatened or endan-
 20 gered under the ESA, numerous programs are being implemented to improve fish
 21 habitat, while protecting existing water rights. A significant portion of
 22 freshwater habitat important to ~~ESA-listed fish~~ aquatic species is located
 23 on private lands. As a consequence, local support is key to implementing
 24 conservation measures that advance species' recovery. Federal agencies are
 25 encouraged to cooperate with state and local landowners to develop volun-
 26 tary, incentive-based conservation plans. Any water required for instream
 27 uses must be obtained in compliance with state law.

28 In the Snake River Basin Adjudication, the state entered into two agreements
 29 that provide for water management within the basin that supports agricul-
 30 tural-based communities, while encouraging the voluntary implementation
 31 of flow-related conservation measures that ~~improve instream conditions for~~
 32 ~~ESA-listed fish~~. The agreements are based upon improving instream flow con-
 33 ditions pursuant to state law address instream uses through state minimum
 34 stream flow water rights and other provisions of state law.

35 • **Snake River Water Rights Agreement**

36 The 2004 Snake River Water Rights Agreement resolved all of the issues re-
 37 lated to the Nez Perce Tribe's water right claims in the SRBA. In the Salmon
 38 and Clearwater basins, ~~the primary~~ a goal of the settlement agreement provi-

1 ~~sions is to conserve and enhance fish habitat in order to~~ address ESA aquatic
 2 species concerns. There are three cornerstones to such efforts: the estab-
 3 lishment of state minimum stream flows water rights, the establishment of a
 4 voluntary forestry program with standards to improve fish habitat, and the
 5 establishment of voluntary programs by irrigators and other water users to
 6 ~~improve instream flow~~ address aquatic species concerns.

7 The state and local water users are working with the federal agencies,
 8 tribes, and other stakeholders to advance the recovery of listed species
 9 through the development of conservation agreements under Section 6 of the
 10 ESA. In coordination with the OSC, the state has begun early implementa-
 11 tion of voluntary conservation measures that provide immediate benefits to
 12 ~~ESA-listed fish~~ aquatic species and provide the foundation for implementa-
 13 tion of long-range plans.

14 As a result of the 2004 Snake River Water Rights Agreement, the Idaho Wa-
 15 ter Resource Board holds minimum stream flow water rights on 205 streams
 16 that provide significant protection for steelhead, salmon, and bull trout.
 17 Most of the streams flow through federal public lands and have minimal use.
 18 Twenty-four streams, however, are in basins with

19 Page 72 of the Comprehensive State Water Plan.

20 substantial private ownership and significant private water use. The flows
 21 for those streams were established after consultation with local communi-
 22 ties. Where the minimum stream flow water rights are higher than existing
 23 flows, the Idaho Water Resource Board works with water users on a voluntary
 24 basis to rent or otherwise acquire water to return to streams, in accordance
 25 with state law.

26 • **Wild and Scenic Rivers Agreement**

27 The Wild and Scenic Rivers Agreement resolved issues related to federal re-
 28 served water right claims filed by the federal government under the Wild and
 29 Scenic Rivers Act. The agreement provides for the quantification of the wild
 30 and scenic federal reserved water rights and state administration of those
 31 rights. To protect existing rights and allow for some future development,
 32 the United States agreed to subordinate the federal rights to ~~certain~~ exist-
 33 ing and certain future water right uses.

34 **Implementation Strategies**

- 35 • Ensure that the water right application and transfer review process
 36 considers basin conservation plans ~~and limiting factors for ESA-listed~~
 37 ~~fish.~~
- 38 • Ensure that the stream channel alteration permit process considers
 39 basin conservation plans ~~and limiting factors for ESA-listed~~ fish.
- 40 ~~• Develop flow-limited reach GIS maps for use in water administration.~~

1 ~~• Continue early implementation of conservation measures.~~

2 • Develop and implement conservation projects and plans based on local
3 problem-solving and support.

4 **Milestones**

5 • Conservation measures implemented.

6 • Conservation plans approved pursuant to Section 6 of the ESA and im-
7 plemented.

8 • Approved water right applications and transfers address limiting
9 factors for ESA-listed fish conservation plans.

10 ~~• Water right permits address limiting factors for ESA-listed fish.~~

11 ~~• Flow-limited reach GIS maps completed and in use.~~

12 Policy **6B- INSTREAM FLOW PROGRAM MINIMUM STREAM FLOW WATER RIGHTS AND**
13 **OTHER INNOVATIVE MEASURES TO ADDRESS AQUATIC SPECIES CONCERNS IN THE**
14 **SALMON/CLEARWATER RIVER BASINS.** Page 72 of the Comprehensive State Water
15 Plan.

16 The Idaho Water Resource Board will promote, provide, and where possible,
17 expand opportunities for voluntary, market-based transactions to ~~improve~~
18 ~~instream flow for the benefit of ESA-listed~~ address aquatic species
19 concerns.

20 Page 73 of the Comprehensive State Water Plan.

21 **Discussion:**

22 The Idaho Water Resource Board administers and participates in a variety
23 of programs to ~~improve instream flows~~ address aquatic species concerns
24 throughout the Salmon and Clearwater River basins. This programmatic ap-
25 proach to addressing the needs of ~~ESA-listed and other sensitive~~ aquatic
26 species includes a suite of water supply acquisition tools ~~including short~~
27 ~~and long-term leases, permanent purchases, partial season leases, diversion~~
28 ~~reduction agreements, and water use efficiency measures,~~ all of which are
29 market-based and voluntary. The Board works collaboratively with organiza-
30 tions committed to voluntary, market-based conservation strategies, ~~such as~~
31 ~~conservation easements, to maximize instream flow programs.~~ These partner-
32 ships benefit ~~targeted fish~~ aquatic species and support local economies.

33 ~~• Columbia Basin Water Transaction Program~~

1 ~~The Columbia Basin Water Transactions Program was initiated in 2002 to sup-~~
 2 ~~port innovative, voluntary, grassroots strategies to improve flows in the~~
 3 ~~Columbia River Basin's streams and rivers. The majority of funding is pro-~~
 4 ~~vided by the Bonneville Power Administration in cooperation with the North-~~
 5 ~~west Power and Conservation Council. Continued implementation of the Co-~~
 6 ~~lumbia Basin Water Transactions Program in the Salmon and Clearwater basins~~
 7 ~~will keep agriculture productive and improve instream flows for ESA-listed~~
 8 ~~and other sensitive fish species.~~

9 ~~• Section 6 Conservation Fund~~

10 ~~Section 6 of the ESA directs "that Federal agencies shall cooperate with~~
 11 ~~State and local agencies to resolve water resource issues in concert with~~
 12 ~~conservation of endangered species." 16 U.S.C.A. § 1531(C) (2). Pursuant~~
 13 ~~to the 2004 Snake River Water Rights Agreement of 2004, in addition to the~~
 14 ~~establishment of minimum stream flow water rights, the state agreed to work~~
 15 ~~with local stakeholders and communities to develop work plans for addressing~~
 16 ~~limiting factors for fish on streams with degraded habitat. The state also~~
 17 ~~agreed to develop cooperative agreements under Section 6 of the ESA with the~~
 18 ~~assistance of local land owners, federal agencies, and tribes to establish~~
 19 ~~long-term conservation goals and conservation measures that will contribute~~
 20 ~~to the recovery of anadromous and resident fish in the Upper Salmon River~~
 21 ~~Basin. The Board's instream flow programs are central to the development and~~
 22 ~~implementation of Section 6 Conservation Plans.~~

23 ~~• Pacific Coast Salmon Restoration Fund~~

24 ~~The Pacific Coast Salmon Restoration Fund provides grants to state agencies~~
 25 ~~and treaty Indian tribes for salmon recovery efforts. The Idaho Water Re-~~
 26 ~~source Board works with agencies, tribes, and stakeholders to use Pacific~~
 27 ~~Coast Salmon Restoration Fund monies for early implementation of conserva-~~
 28 ~~tion measures in the basins.~~

29 ~~• 2008 Columbia Basin Fish Accords~~

30 ~~The Columbia Basin Fish Accords are designed to supplement biological opin-~~
 31 ~~ions for listed salmon and steelhead and the Northwest Power and Conserva-~~
 32 ~~tion Council's fish and wildlife program. The agreement between the state~~
 33 ~~of Idaho, the Bonneville Power Administration, the USACE, and the USBOR ad-~~
 34 ~~resses issues associated with the direct and indirect effects of construc-~~
 35 ~~tion, inundation, operation and maintenance of the Federal~~

36 ~~Page 74 of the Comprehensive State Water Plan.~~

37 ~~Columbia River Power System, and USBOR's Upper Snake River Project on the~~
 38 ~~fish and wildlife resources in the Columbia River Basin.~~

39 ~~Under the agreement, the Bonneville Power Administration committed to fund-~~
 40 ~~ing a suite of habitat quality improvement projects designed to address lim-~~
 41 ~~iting factors within the basins affecting ESA-listed salmon and steelhead.~~

1 ~~The Idaho Water Resource Board uses these funds to develop projects that im-~~
 2 ~~prove instream flow and freshwater survival of ESA-listed salmon and steel-~~
 3 ~~head. The program targets flow-related projects that reconnect tributaries~~
 4 ~~and increase flow in the mainstem Lemhi and Pashimeroi rivers to improve fish~~
 5 ~~passage conditions and increase the quantity and quality of fish habitat.~~

6 **Implementation Strategies:**

7 • Continue implementation of programs to ~~improve instream flows~~
 8 address aquatic species concerns in the Salmon and Clearwater River
 9 basins.

10 • Pursue opportunities for partnerships with local water users and
 11 other stakeholders to implement programs that ~~improve instream flows~~
 12 address aquatic species concerns and support local economies.

13 **Milestones:**

14 • ~~Number and scope of instream flow~~ of aquatic species improvement
 15 projects implemented.

16 ~~• Number of participants in instream flow improvement projects.~~

17 • Degree of ~~habitat~~ improvement resulting from ~~instream flow~~ aquatic
 18 species programs.

19 SECTION 2. Pursuant to Section 42-1734B(4), Idaho Code, all state agen-
 20 cies shall exercise their duties in a manner consistent with the Comprehen-
 21 sive State Water Plan, as amended.

22 SECTION 3. An emergency existing therefor, which emergency is hereby
 23 declared to exist, this act shall be in full force and effect on and after its
 24 passage and approval.