

# IDAHO WATER WATCH

NEWSLETTER OF THE IDAHO WATER USERS ASSOCIATION

[WWW.IWUA.ORG](http://WWW.IWUA.ORG)

APRIL 2019

## IWUA COMPLETES SUCCESSFUL LEGISLATIVE SESSION

IWUA has completed another successful Legislative Session! Our Legislative Committee took a position on 18 bills, including:

- **H1**: Part of the refill settlement in the Treasure Valley, this bill provides statutory authority for the Director to subordinate new storage over 1,000 acre-feet to on-stream storage reservoirs;
- **H285**: Provides \$20 million for large water infrastructure and \$1 million for flood management projects and water quality monitoring;
- **S1056a**: Authorizes the Director to curtail ground water users for failure to comply with mitigation plans; and
- **S1086**: Amends Idaho Code to clarify the right to remove vegetation from irrigation rights of way.



Check out [www.iwua.org](http://www.iwua.org) to see the final Legislative Report. We will discuss the legislation further at the IWUA Water Law and Resource Issues Seminar on June 10-11, in Sun Valley, Idaho.

### MARK YOUR CALENDARS

- **June 10-11, 2019**: IWUA Water Law & Resource Issues Seminar (Sun Valley, ID)
- **August 7-9, 2019**: NWRA Western Water Seminar (Portland, OR)
- **November 6-8, 2019**: NWRA Annual Conference (Houston, TX)
- **January 20-23, 2020**: IWUA 83<sup>rd</sup> Annual Conference (Boise, ID)



### IWUA ON SOCIAL MEDIA

Twitter: @IWUA\_H20

Instagram: @runningwaters83301

Facebook: @IdahoH20

## IDAHO WATER USERS LOBBY IN D.C.



In early April, Idaho water users descended on Washington D.C. for the annual NWRA Federal Water Issues Conference. This year's agenda incorporated discussions about infrastructure and streamlining federal processes. Speakers included Shelby Hagenauer, Deputy Commissioner for the Bureau of Reclamation, the Honorable R.D. James, Assistant Secretary of the Army for Civil Works, and the Honorable Tim Petty, Deputy Assistant Secretary over Water and Science for the Department of the Interior (DOI).

In addition, IWUA members filled their days visiting with Idaho's Congressional delegation, the DOI and House and Senate staff members. Issues presented by IWUA members included:

1. **Title Transfer:** With the passage of the 2019 Land Bills (S47), Idaho water users stand ready to engage Reclamation in a streamlined title transfer process. Both A&B Irrigation District (Harold Mohlman) and Minidoka Irrigation District (Dan Davidson) reiterated their commitment to working with Reclamation to complete title transfer of their projects.
2. **Infrastructure:** IWUA President, Steve Howser, expressed Idaho water users' support of Federal partnership programs for infrastructure. This includes the WIIN Act (providing funds for new storage development in the Boise River drainage) and the WaterSMART Grant program.
3. **Anderson Ranch Dam Raise:** Daren Coon, Secretary/Treasurer for the Nampa & Meridian Irrigation District, expressed appreciation for efforts by Idaho's Congressional delegation as well as Reclamation to move the Anderson Ranch Dam raise forward. Additional work and authorities will be necessary to keep that process moving forward.
4. **Ririe Reservoir Flood Control:** Aaron Dalling, Executive Director for the Freemont-Madison Irrigation District discussed ongoing efforts to adjust the Ririe Reservoir flood curves. Revised flood curves could provide additional water for irrigation.

In addition, to these meetings, Norm Semanko, former IWUA's executive director, testified before the House Committee on Natural Resources, Subcommittee on Water, Oceans and Wildlife. The hearing, entitled "WOW 101: The State of Water Infrastructure and Innovation," focused on using water infrastructure to address water supply needs. "Water is the lifeblood of our nation," Norm remarked to the Committee. "Without reliable and affordable water supplies, every sector of our economy would suffer – from agriculture, to manufacturing and high-tech, to local community needs. Food cannot be grown, businesses cannot operate, and homes and schools cannot be built or operated without water. Critical water infrastructure must be maintained and modernized to ensure the delivery of water today and for future generations."

The NWRA Federal Water Issues Conference is held each spring. Plan now to attend the next Federal Water Issues Conference, to be held on April 20-22, 2020.



### MAKE YOUR PLANS NOW! WATER LAW & RESOURCE ISSUES SEMINAR

Make plans to attend the upcoming Water Law and Resource Issues Seminar, to be held on June 10-11, 2019, at the Sun Valley Resort, in Sun Valley, Idaho. This year's agenda will cover a broad range of issues including legislative updates, a discussion of issues relating to the Columbia River and an update on the ground water / surface water settlement agreement. Check out [www.iwua.org](http://www.iwua.org) for the latest information and **to register online!**

## ISSUE TRACKER

Federal	Regional	State
<p>IWUA and the Committee of Nine submitted comments on the Trump Administration's new rules defining "Waters of the United States" under the Clean Water Act (CWA).</p> <p>Among other things, the new rule seeks to provide clarity regarding the treatment of ditches under the CWA. According to the Environmental Protection Agency (EPA) and Army Corps, "the regulatory status of ditches has long created confusion for farmers, ranchers, irrigation districts, municipalities, water supply and stormwater management agencies, and the transportation sector, among others."</p> <p>IWUA reminded the agencies that "irrigation canals, ditches, and drains are not navigable waters, are not 'waters of the United States,' and are not 'tributary' to waters of the United States. Such facilities have long been excluded from CWA jurisdiction."</p> <p>IWUA further urged the agencies to recognize that the CWA does not regulate discharges of pollutants that reach jurisdictional surface waters via ground water or other subsurface flow – an issue that has come to the forefront with cases like <i>County of Maui v. Hawai'i Wildlife Fund</i> (presently pending before the U.S. Supreme Court).</p> <p>Additional comments were filed by the NWRA and Family Farm Alliance – all supportive of efforts to create a clearer rule.</p> <p>For more information about the new WOTUS Rule, go to <a href="http://www.regulations.gov">www.regulations.gov</a> and search Docket No. EPA-HQ-OW-2018-0149-0003.</p>	<p>On April 16-17, 2019, several IWUA members attended interactive stakeholders workshop held at the Bureau of Reclamation's Denver Federal Center. Roughly 70 attendees from throughout the west participated in the two-day workshops.</p> <p>The workshops were led and organized by Deputy Commissioners Shelby Hagenauer and David Palumbo. Meeting topics included updates from Reclamation's leadership with discussions on WaterSMART Grants, economic benefit and cost estimates in Reclamation planning, improving the environmental review process and cultural resource compliance.</p> <p>Reclamation employees were attentive to the issues and concerns raised by the stakeholders in attendance – even agreeing to reopen public comment on a proposed change to a Directive and Standard (D&amp;S) regarding <i>Substantial Changes on Transferred Works</i> (CMP 10-05), after attendees express their frustration in the prior notice process.</p> <p>Attendees appreciated the efforts to involve stakeholders in the important work of water management in the west. Don Barksdale, board member for Nampa &amp; Meridian Irrigation District, expressed it best when he thanked Reclamation for the opportunity to work together toward a better, more collaborative relationship.</p> <p>For more information, and to review the presentations, go to <a href="https://www.usbr.gov/stakeholders/">https://www.usbr.gov/stakeholders/</a></p>	<p>On April 2, 2019, the Idaho Department of Water Resources issued a <i>Preliminary Order Approving Permit Upon Conditions</i>, in the matter of the Application for Permit No. 63-34348, filed by Elmore County. The Application seeks to divert water from the South Fork of the Boise River and deliver it over the mountain and into Elmore County.</p> <p>Several IWUA members protested the Application, including Boise Project Board of Control, Nampa &amp; Meridian Irrigation District, Pioneer Irrigation District, and Settlers Irrigation District. Primary among the concerns was the impact of the new diversion on the fill of the Boise River reservoir system. Additional protests were filed by Idaho Power Company, the City of Boise, Riverside Irrigation District, the Idaho Conservation League and the Bureau of Land Management. IDWR held an 8-day hearing and accepted post-hearing briefing on the matter.</p> <p>Ultimately, the <i>Preliminary Order</i> recommended granting the permit with specific conditions. For example, one proposed condition would limit diversions under the permit to times when water is released for flood control purposes from Anderson Ranch Dam and Lucky Peak Dam. An additional condition limits diversions to times when 800 cfs or more is being released from Anderson Ranch Dam for flood control.</p> <p>A petition for reconsideration was filed by Elmore County and several water users filed Exceptions to the Director. Stay tuned for additional information as this moves forward.</p>

# 10 Questions with Bob Chandler

Manager of Avondale Irrigation District



Bob Chandler has been with the Avondale Irrigation District since 1996. In this interview, I got to know a little more about Bob and the District. Enjoy!

**Paul Arrington (PA):** Tell us a

**little bit about yourself, your background, education, family, hobbies, etc.**

**Bob Chandler (BC):** I grew up and have lived in North Idaho my entire life. In 1996, I was lucky enough to land a job with Avondale Irrigation District, where I worked hard, learned the trade and eventually worked myself into the manager position. I also have my own business where I operate 11 other small water systems, test backflow assemblies and perform lagoon seepage rate testing. In 2016, I was appointed to the Idaho Damage Prevention Board and usually travel to at least 6 meetings a year.

I am blessed with a wonderful wife and three amazing children; ranging in age from 19 to 25. We own 10 acres on the south side of Coeur d'Alene where we raise a few animals and grow a garden. I love living in North Idaho and can't imagine living anywhere else. In my spare time, I enjoy hiking, hunting, wood working and doing projects around the house.

**PA: Tell us a little bit about your organization – when it was founded, number of acres, etc.**

**BC:** Avondale Irrigation District was founded in 1908 as Avondale Irrigation Company, becoming Avondale Irrigation District in 1913. In 1952, the Bureau of Reclamation reconstructed the District, adding a tank, a new lake pump and all new steel water mainlines. At that time, we consisted of 913 acres with water being pumped from Hayden Lake for both irrigation and domestic purposes. After only ten years of use, the steel lines had corroded to a

point at which Reclamation had to come back in and replace all the steel lines with asbestos/concrete.

In 1976, the District drilled three ground wells and discontinued the practice of pumping lake water. Since that day, we have provided ground water for both irrigation and domestic needs. Today the District is in the process of drilling it's seventh well and serves water to approximately 4,379 acres.

**PA: Tell us something about your organization that other water users might find interesting?**

**BC:** On several different occasions, our staff has grown fish in our concrete overflow tank. We usually start with a couple hundred rainbow trout about an inch and a half long and grow them to over 20 inches. This has been a fun hobby for our employees who also share the experience with family members. It usually takes about 4-5 years to grow the fish that big and we enjoy inviting kids out to fish for them.

**PA: What do you see as the biggest challenges your organization will face in the future?**

**BC:** Our biggest challenges will be growth and the ability to acquire water rights. Currently, Kootenai County is one of the fastest growing counties in Idaho and infrastructure limits are being pushed to the extreme. Staying ahead of the growth curve is an essential part of planning and a huge factor in being able to provide a dependable service. In 2014, Avondale filed a RAFN ("Reasonably Anticipated Future Needs") water right application to help assure that resources needed in the future will be available.

**PA: What do you see as the most exciting opportunities your organization will face in the future?**

**BC:** I would go back to growth. I enjoy the planning it takes to look into the future and determine what kind of flows are going to be needed and where they are going to come from. For me, planning is the best part of the job.

**PA: Tell us about someone that has influenced your career and how they influenced your career.**

**BC:** Without a doubt it is my wife Susan. She has always supported me when I was working beyond my comfort zone and she has always had faith in my abilities. She has not only influenced my career, but my entire life.

**PA: What has been the toughest lesson you have learned during your work career?**

**BC:** Everything happens for a reason. I have learned this not only with my career, but with my life in general. On several different occasions when I thought things were going sideways, it ended up working out for the best in the end. I'm a firm believer in waiting it out and seeing where it leads.

**PA: What advice would you give to someone who is new to your line of work?**

**BC:** Have patience and pay attention. You are not going to see everything there is to see, or know everything there is know, ever. Seasons are long and with every season comes different challenges. Many of the challenges you will only tackle once a year and then they are gone for 10 to 12 months before you get to address them again. Hopefully it gets a little easier each year. I find it very helpful to work with other area managers on new ideas for addressing common problems. Every system has a different take on what is important to make sure their system runs efficiently.

**PA: If you could have a billboard anywhere, what would you put on that billboard (i.e. quote, picture, etc.)? Why?**

**BC:** MAGA! I would likely use this opportunity to support our President.

**PA: If you were king/queen of the world for one day, what would be your first decree?**

**BC:** No more Kings or Queens

## **IDAHO & OREGON SIGN HELLS CANYON COMPLEX AGREEMENT**

*From the Office of Governor Brad Little*

Boise, Idaho – The States of Idaho and Oregon signed a settlement agreement last week [mid-April] for the Hells Canyon Complex, representing a monumental step toward Idaho Power's reauthorization to operate three Snake River dams.

The agreement represents the culmination of decades-long negotiations between Idaho, Oregon, and Idaho Power. The parties have been working since 2005 to resolve disagreements on water quality and fish passage along the portion of the Snake River that is shared by Idaho and Oregon.

In 2016, it appeared the parties were at an impasse, but both states and the company agreed to one-last effort to resolve the outstanding issues.

"This long-awaited agreement supplies clean, affordable energy for Idahoans, improves water quality, and provides additional fish for recreational and tribal ceremonial purposes," Governor Brad Little said.

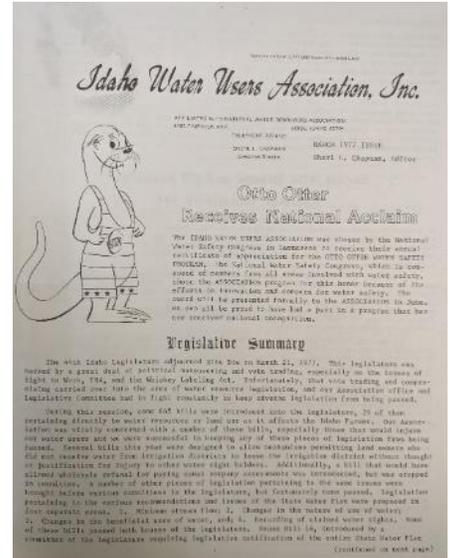
Pursuant to the settlement agreement, Idaho Power will implement significant investments in water quality projects, resulting in cleaner, colder water flowing downstream. In addition, the company will increase production at their Rapid River Hatchery, enabling 800,000 additional chinook salmon to bolster state and tribal fishing opportunities in the future. In return, Oregon will not require fish passage as a condition of its water quality certification for the operation of the Hells Canyon Dams.

In December 2018, the Idaho Department of Environmental Quality (DEQ) solicited comments on the draft water quality certification for the continued operation of the dams, which included a draft settlement agreement. The DEQ is finalizing the water quality certification and formal responses to public comments received. It anticipates the efforts will be completed within the next month.

# FROM THE ARCHIVES

In this section, we dig deep into the Association's archives and pull an article from prior newsletters. Here, we reprint an article from the March 1977 IWUA Newsletter – before the newsletter even had a name! Other interesting information in this edition includes:

- **Otto Otter Receives National Acclaim:** The National Water Safety Congress recognized IWUA for its efforts to advance the Otto Otter program in Idaho.
- **Migrant Labor Hearing to be Held:** In light of the interest generated by the Department of Labor's proposed regulations for the certification and registration of migrant workers, a hearing was set in Denver, CO. IWUA members were concerned about impacts on farmers and expressed interest in the process.
- **1976 Scholarship Recipient Receives Award:** After receiving a scholarship from IWUA in 1976, Susan Linn Skinner of Filer, Idaho, received the Outstanding 1977 Geology Graduate Award from the University of Idaho.



## LEGISLATIVE SUMMARY (1977)

The 44th Idaho Legislature adjourned *Sine Die* on March 21, 1977. This legislature was marked by a great deal of political maneuvering and vote trading, especially on the issues of Right to Work, ERA, and the Whiskey Labeling Act. Unfortunately, that vote trading and compromising carried over into the area of water resource legislation, and our Association office and Legislative Committee had to fight constantly to keep adverse legislation from being passed.

During this session, some 645 bills were introduced into the legislature, 29 of them pertaining directly to water resources or land use as it affects the Idaho Farmer. Our Association was vitally concerned with a number of these bills, especially those that would injure our water users and we were successful in keeping any of these pieces of legislation from being passed. Several bills this year were designed to allow mechanisms permitting land owners who did not receive water from irrigation districts to leave the irrigation district without thought or justification for injury to other water right holders. Additionally, a bill that would have allowed wholesale refusal for paying canal company assessments was introduced but was stopped in committee. A number of other pieces of legislation pertaining to the same issues were brought before various committees in the legislature, but fortunately none passed. Legislation pertaining to the various recommendations and issues of the State Water Plan were proposed in four separate areas. 1.

Minimum stream flow; 2. Changes in the nature of use of water; 3. Changes in the beneficial uses of water, and; 4. Recording of claimed water rights. None of these bills passed both houses of the legislature. House Bill 14 introduced by a committee of the legislature requiring legislative ratification of the entire State Water Plan was passed and signed by the Governor. At this point in time, the Department of Water Resources and members of the legislature are meeting to determine how the various portions of the State Water Plan may be implemented. The state Attorney General has interpreted the bill as limiting all of the State Water Plan proposals that now exist which not only includes those listed in the published State Water Plan, but also the programs of the Idaho Water Resource Board that could be considered as some portion of the Plans objectives.

While the Association's Legislative Committee and Executive Director were successful in this legislative session, it was one of the most difficult experienced in light of the ever-continuing pressures for adverse water legislation. Because of the rapidly changing face of the legislature from rural to urban members, and the problems that are generated through urbanization of agricultural land, many of the same issues and battles we have fought in the past will come to the forefront again during the next legislative session with additional pressure behind them. Hopefully, next year we will again prevail.

# Karen's Korner

Surprisingly enough – time does fly, even when you are heading for retirement. It has been a very busy first quarter of the year with the convention and the workshops taking place. Now I'm trying to catch up with all the little things that have been put aside!

The month of April has been filled with some surprise trips down to the Minidoka Irrigation District (MID) and the Burley Irrigation District (BID). I got to turn on the water! Sure, it was only "pushing the button," but it is nice to know that all of the crops in MID and BID only got their water because of me! 😊 It was very interesting to get some first-hand knowledge about how the districts operate. 😊

I don't really have much on my "bucket list" but I've always wanted to know how to run big equipment. When I was at BID, I got to run an excavator. 😊 I see them around town and on TV so much that that was one of my wishes. Thanks to Mark, my instructor, I had so much fun, but I think I could have done better if I played video games and knew how to use a joy stick!! I now have a greater appreciation for those who do this kind of work. And, perhaps I have another career if this retirement thing doesn't work out. 😊

Thank you to those at MID and BID that helped "make my day"!!



## IDEQ ANNOUNCES 2020 NONPOINT SOURCE § 319 GRANT FUNDING CYCLE

The Idaho Department of Environmental Quality (IDEQ) has announced the start of the 2020 nonpoint source management § 319 grant funding cycle. Applications will be accepted from April 29 through July 12, 2019.

Section 319 of the Clean Water Act established a grant program under which Idaho may receive funds to support a wide variety of nonpoint source pollution management activities, including technical assistance, financial assistance, education, training, technology transfer, demonstration projects, and monitoring to assess the success of specific nonpoint source implementation projects.

According to IDEQ, the 2020 grant funding cycle will prioritize applications that emphasize water pollution cleanup and protection, with strong consideration given to projects that (1) involve multiple partners and leverage other funding sources, (2) include detailed work plans, budgets and schedules to complete work in 3-years or less, (3) are located on water bodies with established TMDLs and implantation plans, and (4) improve water quality and are cost efficient.

For more information about the §319 grant program, visit <https://www.deq.idaho.gov/nps-319-subgrants/>.

On April 3, 2019, we said farewell to Morgan Howard – IWUA's 2019 Legislative Intern. We asked her to write about her experiences.

## THANKS FOR THE MEMORIES!



Thank you to all the sponsors of the 2019 IWUA Legislative Internship. The three months that I spent with the Water Users have been some of the best of my life, and I cannot begin

to show enough gratitude for the opportunity that your generosity provided to me. It was this internship that reminded me why I chose the career path that I have, and it has further prepared me for the long road of advocating for agriculture.

I was unsure what to expect when I met with Paul to discuss this internship. With absolutely no experience in water law, I was worried that I had no chance. I was extremely pleased, then, when Paul called me back and offered the internship to me. I had no idea of the whirlwind of new opportunities, fast lessons, and truly wonderful people I was going to experience.

Paul described the three trips I would be accompanying him on as the “carrots” of the internship, and I soon learned just how right he was. In Portland, movers and shakers in the water worlds of Oregon, Washington, and Idaho gathered to discuss their local water years and legislatures. I learned how lucky Idaho is to have legislators who listen and respond when the water users speak. In Reno, at the Family Farm Alliance conference, I learned the ins and outs of western water

infrastructure, including Reclamation's and agriculture's role in efficient water use. Finally, in Washington, DC, I was able to see how IWUA members use their expertise and collective voice to speak directly to our Congressional delegation.

Beyond the incredible trips, and all the Instagram-worthy photo-ops they offered – I'm still upset that I didn't document the donut I dropped in downtown Portland after a 45-minute roundtrip train ride to get from the conference to the donut shop – I had the opportunity to meet with our state legislators to discuss water. I learned so much, both about the legislation itself and about the power of open, honest communication with legislators. Our senators and representatives know that they have trustworthy advisors in the water users and see the water lobbyists in the statehouse as allies rather than adversaries. Finally, I even had the opportunity to carry a bill (S1084), an experience that is so exhilarating. It was quite a treat, at 23 years old, to be able to speak in front of a committee of legislators on a topic that, only a month ago, was entirely new.

IWUA is a truly incredible organization, and this internship is one-of-a-kind. I like to say that, when it comes to water law, I know 100% more than I did when I started, but still less than 1% of what there is to know, and I'm eager to continue to learn. Of all the things I will take away from this experience, my new perspective on the world of water is the one I will treasure most.

I started with a thank you, and I have to end with one, as well. Thank you, Paul and Karen, for making me feel so welcome and so comfortable from the very beginning. Thank you for everything.



### ARE YOU ATTENDING NWRA'S WESTERN WATER SEMINAR?

Make plans to attend NWRA's Western Water Seminar at the Hilton Portland Downtown in Portland, Oregon on August 7-9, 2019. This year's agenda will cover a broad range of issues including water infrastructure, federal agency reorganization and wildfire impacts on water supplies and delivery. Come mingle with water users from throughout the west. Go to [www.nwra.org](http://www.nwra.org) for more information about the agenda and registration.