

Palouse Basin Aquifer Committee (PBAC) – Citizens Advisory Group (CAG)
Meeting of November 8, 2007

Introductions

Attendance:

Name	Representing	Present	Excused	Absent
Michael Echanove, Chair	Municipal Provider - WA	X		
vacant	Municipal Provider – ID			
Dr. George Grader	Petitioning Group	X late		
Dr. Jerry Fairley	Petitioning Group		X	
Jim Mital	Petitioning Group	X		
Joe Spoonemore	Rural Interests – WA	X		
vacant	Rural Interests – ID			
Dan Boone	Developer/Business – WA	X		
Mark Loaiza	Developer/Business - ID	X		
Dr. Fritz Fiedler	Technical		X	
Ree Brannon	Other	X		
Dr. Bill French	Other	X		
Keith Stoffel	WSDOE, ex-officio	X		
Helen Harrington	IDWR, ex-officio	Phone		

Guests:

Mark Storey, PBAC
David Hall

Approval of minutes:

The August 9, 2007 minutes were approved as amended to reflect that Steve Robischon and Fritz Fiedler had corrections.

PBAC Report & Update (October 20): by Mark Storey.

- Research Request – Phased Framework Project
- Keith – still a chance for DOE funding

Idaho DWR Report - Helen Harrington. (by phone)

- North Idaho Adjudication – Latah County does not appear to be taking a position on the adjudication, as they declined to sign the “letter” of opposition to the adjudication process. Kootenai County signed the letter opposing the adjudication. IDWR is proceeding with prep work for the adjudication. There are several north Idaho counties that are concerned about boundaries and legal issues. The legislature will now weigh in on the process. The adjudication will start

through a court order (petition) and will not proceed until the legislature weighs in on the process.

- Mark Loaiza – talked to Tom Stroschein about the Latah County Commissioners opposition of adjudication. Tom indicated that the Latah Commissioners did not agree among themselves on the issue. Tom said he is not opposed, but is rather asking for a delay. Jack Nelson is the only one truly opposed to the adjudication process. There appears to be some concern that the Rathdrum Prairie adjudication would go first in north Idaho. Latah would be willing to proceed first, if Tom could get the support of the other commissioners.
- Mark suggested that we request the Latah County position favoring adjudication should be strengthened. We should consider letting the legislature know that we are in support of the process.

Washington DOE Report– Keith Stoffel

- Keith said that the DOE is starting its process with water rights mapping of the Rathdrum Prairie area, and also in the Colville area. They are gathering all the information that will eventually be required for adjudication. They are gearing up for the '09 legislature for funding to start the process. The Colville area (through the WRIA) has petitioned for an adjudication in their area, therefore they get priority for the adjudication process. The adjudication will help identify and solidify the existing water rights up to the date of the adjudication.
- Legal issues. Keith says that the Cornelius case has had several filings for summary judgment. On October 29, they requested a hearing to clarify some of the issues. During the hearing, the attorneys all presented their cases. The Board issued rulings on 18 of the summary judgments (dismissal) but requires a hearing on three remaining issues (hearing to be held in Pullman on November 29, location unknown). The issues include the question regarding additional impairment, constitutionality of DOE decisions, and potential enlargement of the existing water rights.
- City of Moscow has filed three appeals on the water right transfers approved by DOE in the Hawkins case. Reasons for the appeals suggest that they are not in the same ground water body, not in public interest, and do not meet the quantity of beneficial use test criteria. On the Colton transfer, they also listed not in same body of public water, and not in the public interest. Hawkins has filed an appeal on the Jones decision to deny the transfer. Dates to hear the appeals have not been set. Typically it is 6 months out to get a hearing date with the Water Pollution Control Board. The mitigation strategy was the reason for the denial by DOE.
- There is a web site for the Water Pollution Control Board and its cases. It lists the Cornelius Case and the three Moscow (Hawkins) appeals.

Conservancy Board Report (Joe Spoonemore)

- Had a meeting last week and discussed the DOE response to the Water Board decision. There were only three members in attendance.
- Started to rewrite the bylaws, including the indemnity clause. The Board will probably finalize the bylaws at the next meeting. The Board will start having

meetings during the day rather than during the evening. No new water right transfer cases are in the “hopper” at this time.

Open Forum Discussion

- Rhee said the planning for the 2008 water summit is starting. Any ideas will be welcomed and considered. At the last meeting the WOW people said they would play a lead role in the summit. Also Bill French relayed that the Palouse CD will not be able to be the lead on the next summit. The CAG should be able to contribute to the planning and execution of the next summit. There are currently several members of the CAG currently helping with the planning of the summit. The location is probably going to be in Moscow.
- Mark Loaiza was in receipt of an email that speaks poorly of the CAG as a professional body. We need to keep politics out of all of our correspondence. Mark suggests that this kind of communication is beneath us, and should be avoided. There was some discussion and at least some general agreement. It was also stated and agreed to that we need to make sure we don't stifle our diverse political viewpoints. Rhee suggested that we need to continue to share all ideas and put aside any personal differences that we might have.
- Mark suggested that maybe we should invite the newly elected City officials to the CAG to help them to understand the critical nature of the water problems in the basin.
- Dan Boone asked what the “framework” project is. Discussion about details. Started with Earl Bennett. Then Jerry Fairley. History, “earmark”, legislatures. Keith discussed the “leverage” that the study would provide for acquiring federal money to do the “big” study. CAG says full steam ahead with the framework. On the Rathdrum study, Phase I was about ½ million to study existing data, then it was leveraged to get the federal participation.
- Chair would entertain a motion to send a recommendation to PBAC that the CAG is in full support of the “framework” at whatever funding level is available (and has been for two years). Dan Boone motion, George Grader. Approved unanimously.
- Keith Stoffel suggested that we talk to Evan Sheffels, who is a DOE policy advisor to Jay Manning, and may be available to gather information on this issue. It may be worth our while to invite him to one of our meeting. It would introduce us to the “upper” level management. Motion by Mark Loaiza to invite Evan to a “water meeting” in conjunction with PBAC. Motion seconded and passed. Then we could present our situation to him and summarize the issues to him regarding water in our region. It would be best to get him over here before the end of the year. It was suggested that Steve's water summit presentation would be great to show Evan. It would be best to shoot for early December (sometime from the 3rd to the 14th) for a meeting. MARK (or Steve) WILL FORWARD THIS TO PBAC.....
- George presented the Rathdrum atlas map book. Spokane County and a group of other smaller groups helped put this together. George thought it would be nice for us to have one for the Palouse Basin.

- Rhee wanted to clarify that it would be nice to hear back officially from PBAC on the written suggestions that CAG has sent to them. MARK (or Steve) TO DISCUSS AT NEXT PBAC MEETING.

Old Business

- Joe discussed a letter to PBAC about two years ago regarding the type of research being done (applied research would be better). Joe is frustrated that PBAC has not responded to the letter.
- Conservation – The Chair is seeking a way to bring some finality to our work over the last 9 months on conservation. Maybe consider a summary to pass on to PBAC.
- Mark asks whether or not we should be talking to people other than PBAC. Consider working with the new Moscow City Council for example. Maybe bring them into the loop to discuss issues such as conservation. Rhee suggests that we invite new people to the council to help them with difficult water issues. Aaron Ament is the PBAC representative from Moscow. Now the Mayor will appoint someone else to attend the PBAC meetings.
- Bill French discussed the issues around performing an analysis of how water is currently used in the basin without telling people that they cannot use water. This should include a discussion of comprehensive conservation measures that can be employed by all the pumpers in the basin. The problem is that everyone feels that if they conserve, then everyone (across the line?) else will use the water anyway. The evaluation needs to include all entities, as we are all guilty of water use or over use. The work could be performed by WOW, through the students. CAG needs to present this to PBAC to see if PBAC will approach WOW or others to make it important.
- Rhee agrees that we need to document our water use. She suggests that PBAC in their original agreement said they would monitor their water use. CAG should request that information (report) from PBAC again. For example, could Moscow report back to CAG the use by residential, business, etc. The cities collect use information but probably don't track it. Maybe someone could sort through the use data and come up with some basic answers about use. Most of the use in the cities is in single family dwellings. The public entities use very little water, but are the easiest to regulate. The biggest culprit is lawn watering. Maybe we could demonstrate how much water is used in this kind of irrigative use. The existing data MIGHT or MIGHT NOT allow further breakdown, to determine what can be determined about use. This data could help the CAG with a public education process. One weakness is that university buildings are largely unmetered.
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New Business:

- November 14 Water Resources Institute – webcast at 11 am to noon pacific time, JEB 111

NEXT MEETING

Next meeting is scheduled for December 13, 2007, at **6pm**, Jacks Creek Room, U of I Facilities. Tentative unless the group is able to set up a joint meeting with DOE representative, Evan Sheffels, from Olympia.

The meeting was adjourned at 8:20 p.m.