

Palouse Basin Aquifer Committee (PBAC) – Citizens Advisory Group (CAG)
Meeting of July 10, 2008

Introductions:

Attendance:

Name	Representing	Present	Excused	Absent
Michael Echanove, Chair	Municipal Provider - WA	X		
Vacant	Municipal Provider – ID			
Dr. George Grader	Petitioning Group			
Julie Titone	Petitioning Group	X		
Dr. Jim Mital	Water Conservation Group	X		
Joe Spoonmore	Rural Interests – WA			
Vacant	Rural Interests – ID			
Dan Boone	Developer/Business – WA	X		
Mark Loaiza	Developer/Business - ID	X		
Dr Jerry Fairley	Technical Representative			
Ree Brannon	Other	X		
Vacant	Other			
Keith Stoffel	WSDOE, ex-officio	X	Phone	
Ken Neilly	IDWR, ex-officio	X	Phone	

Guests:

Steve Robischon, PBAC
 Mark Storey
 Mike McVay, Phone

The meeting was called to order by Chairman Echanove at 6:20 pm

Approval of minutes: The June 12, 2008 minutes were approved as amended to reflect minor corrections.

Idaho DWR Report – Ken Neilly (by phone).

- Ken answered some questions from the last CAG meeting. If Hawkins buys water from Moscow, what about the demonstration that Idaho’s people are gaining a benefit from the sale of the water. There are several ways to look at the issue. There are some benefits to Idaho residents. It does not specifically say for the “beneficial” use of Idaho residents. Jim Mital asked whether there are any other cases regarding cross state uses, and their beneficial use. Mike McVay suggested that there may be some cases that are directly applicable to this situation. The issues are still with the Idaho attorney general. There may be a way for the City of Moscow to sell to Whitman County, through the IDWR process. Part of the transfer process includes an advertisement and public comment period. This whole process requires a possible change to the Moscow water right. The

state water plan policy states that the state of Idaho has sovereignty over the issue, and that water transfer or use must be in the public's interest. There is no known other precedent regarding the use of the water in another state. Ree wonders if the State of Idaho would just disregard the comments of Washington side interests. Some present question whether people outside a jurisdiction would have standing for comment.

- North Idaho adjudication process: July 8 press release states that the process is starting with the Coeur d'Alene/Spokane River basin, then the Palouse River, then the Pend Oreille River Basin. This fall, the people involved will start going around the region and conducting public information sessions. The CDA River adjudication would probably be substantially complete before beginning on the Palouse River system.
- Characterization and framework projects. They will be looking at about \$250,000 for the initial study. It is not likely that these efforts will start soon, as they are going to initially focus on the Magic Valley and the CDA/Spokane River systems. It may be advantageous for us to submit an abstract on our needs so that it will be ready for when money may come available. The Palouse River study will probably go in fiscal year 2011. It will take about 3 or more years each to complete the long term basin plans. The IDWR web page has a lot of good information regarding the adjudication process.
www.idwr.idaho.gov
- Michael says the Palouse aquifer is in the news all the time. Ken says the Eastern Snake River system is regularly in the news. It is not common in the other aquifers to be constantly in the news.

Washington DOE Report– Keith Stoffel (Phone)

- Framework funding. The budget request goes to Olympia at the end of August. It is still in the budget, but hard to predict.
- Biennium budget includes discussions with water users to start working on Spokane adjudication. There was no money in the budget for the Palouse Basin.
- Legal information: Cornelius case has been appealed through a constitutional challenge to the law. A hearing in King County resulted in some invalidation of portions of the 2003 Municipal Water Law. Definition of a municipal provider has been struck down. A purpose for "municipal" water used for irrigation was struck, especially for municipalities that existed in the past. Thirdly, it was struck that municipalities could indefinitely keep inchoate water rights. Ecology is filing an appeal to take the decision to the State Supreme Court. Likely it will go to the Supreme Court. This decision has resulted in no way for municipalities to keep any inchoate water rights. There will likely be a compromise before it is all done.
- Cornelius/WSU case: The challenge was regarding the application to the municipal water law, now Cornelius has filed to re-visit the case since the water law has changed. There does not seem to be a good reason to move forward until the Supreme Court case is completed. Ecology is urging a stay of a King County court decision regarding "municipal" water law (CELP case), so that they do not end up wasting time working on municipal changes for "Cornelius."
- Michael: how does CELP case factor into this? The CELP challenge is a constitutional one, looking to change the law itself. Ecology may have to go back and review the WSU case based on the changed water law. The consolidation change is reviewed with respect

to the “before” and “after” cases. In other words will there be any impairment of others from the proposed WSU water right consolidation.

- Now there really is no Washington State definition of a municipal water provider. What is in question is regarding small developments (like 15 homes in the country on one system). We really need a new definition of a municipal provider.
- Keith says that the Palouse basin is not the only place where the water issues are constantly in the news. The Spokane basin hits the paper and TV daily. Water issues of all kinds are out all over the state.
- No news about the water re-use project in Pullman. However, it was noted that the project is number 2 on the WSU capital projects list to the Legislature. WSU is seeking proposals to build more on campus housing.
- The issue of exempt wells is a hot issue in Ecology. Ecology is starting to define, through rules, how exempt wells are to be used. They will be changing how the exempt wells may or may not be used. This will probably result in some proposed legislation regarding wells. The big question is “What constitutes a development”?

PBAC Report & Update (Steve Robischon):

- June 19, new officers were elected. Mark Workman Chair, Paul Kimmel Vice Chair.
- There was a great deal of discussion about the function(s) of CAG as a voice back to PBAC, and not the community at large.
- SEPA documentation for a proposed subdivision in the Pullman-Moscow corridor. The proposal shows four individual wells are to be drilled, so Guy Gregory suggested that they will need a water right or a single exempt well for 5000 gallons per day for the whole development. DOE has submitted verbal comments to PBAC.

Water Conservancy Board: (Joe Spoonemore): Not present. Keith says that he is not aware of any issues facing the Board.

Participatory Modeling Project (Ree Brannon):

- Allison sent out an update today. There is an internal URL. If there are any issues, please let Allison or Ree know. There has been some input from others.
- Next meeting: August 22, 9am to noon.

Water Summit (Ree Brannon):

- There is a draft agenda.
- Next meeting (next week) the group will work on the evening session issues (to be facilitated by Patrick Shea). This would be from about 6 to 8pm, and will be a panel discussion from the Cecil Andrus Institute. This will focus on the way(s) we might govern the ground water resources across the state line, including City, County, and other local people and how to manage the resources via a “Regional Authority”. The “Regional Authority” would be able to make binding decisions across the state lines.
- Ree passed out some great little advertising cards for the water summit.
- There is a registration site for people to sign up.
- Ray ledgerwood has agreed to be the MC again.
- There will be some Xeriscaping posters on display.

- There may be a WOW facilitated discussion the next day for local entities and their leadership.

Open Forum Discussion:

- Keith discussed the “shared governance” approach. This does not ever work very well, because the locals seldom want to tackle difficult issues.

New Business:

- Julie crafted a letter for our consideration. It is a letter to President Elson Floyd supporting WSU’s efforts to fund the water re-use project. It seems that the best CAG could do, would be to urge PBAC to forward the letter to Elson Floyd. This is an important issue and requires the CAG’s and PBAC’s support. The letter should also go to the City of Pullman, and be supported by the Mayor of Pullman. The letter could be expanded to include past efforts of local entities supporting the project. Julie motions that CAG send the letter to PBAC and others to urge support for the water re-use project. Mark said that he is uncomfortable putting the letter out without first discussing it with PBAC. It was discussed that the best way to proceed would be to alert PBAC of the intent, or even present the PBAC with the option of putting PBAC’s name on the letter as well. CAG’s position is that we tell PBAC that this is something that we are going to do.
- Julie motioned, Mark seconded, that CAG send the letter to Floyd stating support for reuse, by first sending two letters to PBAC, one with only CAG, and the other including PBAC as additional signatory for consideration. The letter will be sent either with or without PBAC’s signature. The motion was unanimously passed.
- Palouse Water Conservation has updated web page with new information regarding local issues. It is at PWCN.org
- Jim Mital: Regarding CAG vacancies, Mark has contacted Susan Wilson, local attorney, who may represent local rural water users. Michael suggested that she send a letter of interest to the CAG, with a short bio to give us some information. Mark said he would invite her to a meeting to introduce her to the members, etc. The Latah Commissioners said they had someone in mind from the town of Viola. Steve said he would inquire of Andy Rogers.

Old Business

- WSU Regents approve capital and operating requests to the legislature. Vet research in Vancouver is first on the Regents’ list, Bookie remodel is second, and the water re-use project is third.

Next Meeting: August 14, 6:15pm, at the Jacks Creek Room, U of I Facilities.

Adjourned at 8:10 pm.