

September 2010:

WATER: All is forgiven at least for ground water mitigation in 2010 according to the Idaho Department of Water Resources. The possible, but unlikely exception is carryover storage where no final determination will be made until the irrigation season ends. While no mitigation is a good thing, there is little consolation for ground water users who had to purchase *in advance* an estimated 77,000 acre-feet at a cost of more than \$1.3 million. The leased water can remain in storage so long as space is available. But, should the reservoirs fill, it will be released downriver benefiting hydropower generators instead of the ground water users who will face new mitigation requirements in 2011 and every year going forward.

A **recent court decision** appears, at first glance, to turn Idaho water law upside down with respect to material injury. According to a recent decision by Judge Wildman in the A&B delivery call, instead of a senior water users needing to demonstrate injury in a water call, junior water user who must show “clear and convincing evidence” that they are not injuring senior water rights. Ground water users requested a rehearing on the issue that is scheduled for September 13th in the SRBA Court.

Ground water users have also requested rehearings on several Orders issued this summer by IDWR Interim Director Gary Spackman. Those orders expanded previous administrative orders with respect to priority dates and acres affected in the Magic Valley.

The ESPA CAMP is regrouping as Rich Rigby, U.S. Bureau of Reclamation, assumes Jonathan Bartsch’s responsibilities as mediator. Funding remains an unresolved issue in implementation of the Plan. The Treasure Valley and Rathdrum Prairie CAMPs are resuming their duties after an August hiatus. Both expect to submit draft plans to the Idaho Water Resource Board in 2011.

IDEQ is accepting public comments on two proposed rulemakings:

September 1 to October 1

IDEQ Public Comment Period for Proposed Rulemaking /No public hearings scheduled
“Water Quality Standards 58-0102-1001, Antidegradation Implementation Procedures”
http://www.deq.idaho.gov/rules/water/58_0102_1001_proposed.cfm

September 1 to September 29

IDEQ Public Comment Period for Proposed Rulemaking/No public hearings scheduled
“Wastewater Reuse 58-0117-1001”
http://www.deq.idaho.gov/rules/waste_water/58_0117_1001_proposed.cfm

Please note no public hearings are scheduled for either rulemaking so written comments are especially important.

ENERGY: Rocky Mountain Power’s rate case is under review by the Idaho Public Utilities Commission. Public hearings are scheduled in Preston on September 21st and St. Anthony on September 22nd. Idaho Irrigation Pumpers Association (IIPA) is developing talking points on proposed 9.6% increase for irrigation customers. Irrigators wishing to testify may contact our office at (208) 381-0294.

Idaho Power Company will hold the second of multiple public meetings as it moves forward with its 2011 Integrated Resource Plan (IRP).