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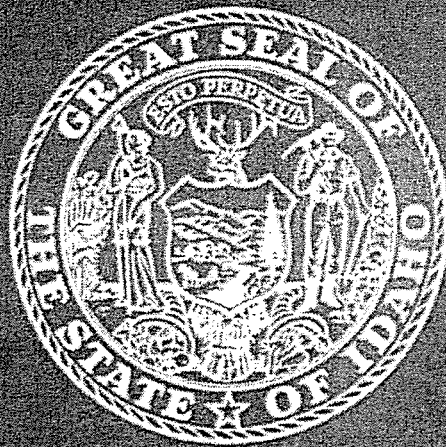
Orr Affidavit

Exhibit 8

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DEPT. OF WATER RESOURCES

Excerpted pages of the
1992 *Idaho State Water Plan*
(Idaho Water Res. Bd., Jan. 1992)

IDAHO STATE WATER PLAN



ADOPTED BY THE
IDAHO WATER RESOURCE BOARD

JANUARY 1992

"There shall be constituted a Water Resource Agency, composed as the Legislature may now or hereafter prescribe, Additionally, the State Water Resource Agency shall have power to formulate and implement a state water plan for optimum development of water resources in the public interest. The Legislature of the State of Idaho shall have the authority to amend or reject the state water plan in a manner provided by law"

Idaho Constitution

State of Idaho

THE STATE WATER PLAN

Cecil D. Andrus, Governor

Idaho Water Resource Board

**F. Dave Rydalch
Chairman**

**Clarence Parr
Vice-Chairman**

**Gene M. Gray
Secretary**

**Kenneth E. Hungerford
Donald R. Kramer
William Platts
Mike Satterwhite
J.D. Williams**

**Adopted January 1992
Statehouse
Boise, Idaho 83720**

Former Members of the Idaho Water Resource Board

Robert M. Bandy, Priest River
Mary T. Brooks, Boise
George L. Crookham, Jr., Caldwell
Sally L. Cupan, Sandpoint
Leonard E. Graham, Rigby
Robert M. Hammes, St. Maries
M. Reed Hansen, Idaho Falls
Franklin Jones, Boise
Evan M. Kackley, Wayan
Ferris M. Kunz, Montpelier
Wm. J. Lanting, Hollister
Charles J. Marshall, Jerome
Herman J. McDevitt, Pocatello
Joseph H. Nettleton, Murphy
Thomas Olmstead, Twin Falls
Arlie L. Parkins, Marsing
Scott W. Reed, Coeur d'Alene
Edward Reichert, Filer
Edwin C. Schlender, Malta
James Shawver, Eden
LeRoy Stanger, Idaho Falls
John F. Streiff, Lewiston
George L. Yost, Emmett

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF UPDATING)
THE STATE WATER PLAN)
_____)

A RESOLUTION

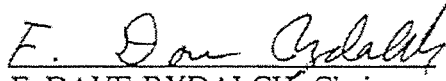
WHEREAS, the Idaho Water Resource Board (the Board) has circulated proposed changes to the policies contained in the state water plan, and

WHEREAS, the Board has provided an opportunity for the public to comment on the proposed changes and to suggest others, and

WHEREAS, the Board has considered the hearing officer's report in this matter, has reviewed the record, and modified their proposed changes accordingly.

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the attached changes to the policies of the state water plan, and directs that these changes be provided to the Idaho State Legislature for their consideration.

DATED this 3rd day of January, 1992.


F. DAVE RYDALCH, Chairman
Idaho Water Resource Board

ATTEST


GENE M. GRAY, Secretary

Table of Contents, Cont.

Policy 4I - Planning Program	27
Policy 4J - Cooperate with Indian Tribes	27
Policy 4K - Determination of Federal Reserved Rights	27
Policy 4L - Coordinated Use	27
River Basins Group	
Policy 5A - Snake River Basin	28
Policy 5B - Snake River Trust Water	29
Policy 5C - Snake River DCMI (Domestic, Commercial, Municipal, and Industrial)	29
Policy 5D - Snake River Agriculture	30
Policy 5E - Snake River Hydropower	30
Policy 5F - Snake River Navigation	31
Policy 5G - Snake River Aquaculture	31
Policy 5H - Snake River New Surface Storage	31
Policy 5I - Snake River Stored Water for Management	31
Policy 5J - Water Quality of the Snake River Plain Aquifer	32
Policy 5K - Snake River Components of Comprehensive Plan	32
Policy 6A - Bear River Basin	32
Policy 6B - Bear Lake	32
Policy 6C - Bear River Additional Projects	33
Policy 7A - Panhandle Basins	33
Policy 7B - Panhandle Agricultural Water	33
Policy 7C - Panhandle DCMI (Domestic, Commercial, Municipal, and Industrial)	33
Policy 7D - Panhandle Navigation	33
Policy 7E - Panhandle Fish, Wildlife, and Recreation	34
Policy 7F - Panhandle Components of Comprehensive Plan	34

List of Tables

Table 1. Average Annual Runoff of Major Rivers in the Snake River Basin at Selected Gauges	4
Table 2. Estimated Average Annual Runoff of the Bear River	9
Table 3. Average Annual Runoff of Major Rivers in the Panhandle Basins	11
Table 4. Population densities per square mile using 1990 estimated populations	14
Table 5. Urban and Rural Population in Idaho	14
Table 6. Potential Reservoir Sites	25

List of Figures

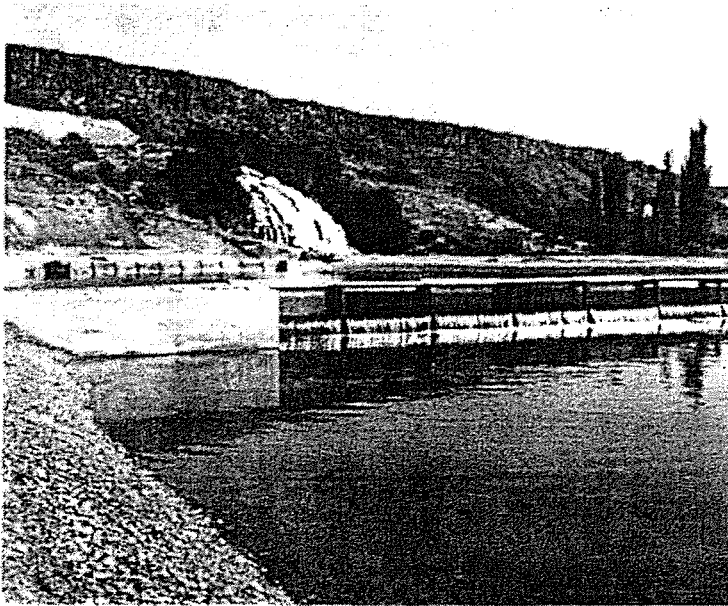
Figure 1. Principal Gauging Stations	5
Figure 2. Seasonal Distribution of Long-term Average Flows of the Snake River	6
Figure 3. Annual Runoff 1920-1992; Salmon River, Snake River, and Boise River	7
Figure 4. Annual Minimum Daily Discharge; Snake River near Murphy 1951-1992	7
Figure 5. Annual Runoff; Bear River at Border, Bear River at Alexander	10
Figure 6. Ground Water Management Areas	13

Policies

• River Basins Group

POLICY 5A - SNAKE RIVER BASIN

It is the policy of Idaho that the Swan Falls agreement between the state and Idaho Power Company establishes the framework for water management in the basin. Central to the agreement is the assumption that the Snake River is fully appropriated upstream from Swan Falls Dam except for trust water held by the state and occasional flood waters. The state recognizes that the exercise of water rights above Milner Dam has and may reduce flow at the dam to zero. Minimum average daily flows at the Murphy gauging station shall meet or exceed 3,900 cfs from April 1 to October 31 and 5,600 cfs from November 1 to March 31. The average daily flow measured at the Weiser gauge shall not be less than 4,750 cfs. A minimum average daily flow of 5,000 cfs at Johnson's Bar shall be maintained and an average daily flow of 13,000 cfs shall be maintained at Lime Point (river mile 172) a minimum of 95 percent of the time. Lower flows may be permitted at Lime Point during the months of July, August, and September.



Aquaculture facility along the Snake River near Buhl, Idaho.

during which time the operation of Idaho Power's Hells Canyon dams shall be in the best interest of power and navigation as determined by the Corps of Engineers and Idaho Power Company.

The minimum flows established for the Snake River at the Murphy and Weiser gauging stations are management and permitting constraints; they further insure that the state will be able to assure an adequate hydropower resource base and better protect other values recognized by the state, such as fish propagation, recreation, and aesthetic interests, all of which would be adversely impacted by an inadequate stream flow. The zero flow at Milner Dam is not a target or goal to be achieved, and may not necessarily be desirable. It is rather, a recognition of the current condition in which zero flow passes Milner Dam during certain periods of time. The state should seek to acquire water whenever it becomes available in order to mitigate the impacts of low flow below the dam.

River flows downstream from that point to Swan Falls Dam consist almost entirely of ground-water discharge during portions of low-water years. The Snake River Plain aquifer which provides this water must therefore be managed as an integral part of the river system.

The minimum flows established for Johnson's Bar and Lime Point are contained in the original Federal Power Commission license for the Hells Canyon hydropower complex. By adopting these flows, the Idaho Water Resource Board recognizes the importance of minimum flows to downstream uses and makes their maintenance a matter of state water policy. The Water Resource Board recognizes that the license requirements relate to the provision of water for navigation and power, and not to other instream uses. The Board realizes that the state has no authority to require releases of stored water by the power com-