

REQUEST FOR WATER MORATORIUM

Coalition for Positive Rural Impact at Rockford Bay and Loffs Bay

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Department of Water Resources of the State of Idaho

David Tuthill, Director
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Department of Water Resources of the State of Idaho

Robert G. Haynes, Regional Supervisor
7600 Mineral Drive, Suite 100
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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR	)	REQUEST FOR A WATER
AMENDMENT 72669	)	PERMIT MORATORIUM
FOR PERMIT NO 95-9045	)	
IN THE NAME OF BLACK ROCK UTILITIES INC.	)	

Pursuant to **Idaho Statute Title 67, Chapter 67-6523** EMERGENCY
ORDINANCES AND MORATORIUMS, **Idaho Statute Title 42, Chapter 42-1805**
DIRECTOR OF DEPARTMENT OF WATER RESOURCES, ADDITIONAL DUTIES SECTION 7
and **Idaho Statute Title 42, Chapter 42-1805** DIRECTOR OF DEPARTMENT OF
WATER RESOURCES, ADDITIONAL DUTIES, SECTION 3 and **Idaho Statute Title 42,**
Chapter 42-250 APPROPRIATION OF WATER—PERMITS, CERTIFICATES AND
LICENCES—SURVEY, WATER CONSERVATION, The Coalition for Positive Rural Impact at
Rockford Bay and Loffs Bay respectfully requests a **WATER MORATORIUM** of any and
all water permit and water permit amendment action by the Coeur d' Alene regional

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office related to the withdrawal of water from Coeur d' Alene Lake, along with its inflows and outflows, to allow time for a definitive qualitative and quantitative study to be undertaken and completed.

Specifically, we are requesting an immediate WATER MORATORIUM along with an order for a comprehensive water budget study to accurately quantify if surface and ground water, inflows and outflows allow for additional permits and to determine if the cumulative effect of existing, proposed permits and amendment permits will be in conflict with the local public interest and if the local public interest in the area will be directly affected by a proposed water use. This study will act as a foundation for all pending and future water permit action to see if a surface or ground water withdrawal will potentially injure other water rights and if so will provide proof or evidence to that end.

It is our argument that because NO STATE or PUBLIC AGENCY knows the cumulative amount of water being withdrawn from Coeur d' Alene Lake and because NO AGENCY knows how large developments impact Coeur d' Alene Lake with erosion and contaminates it is absolutely imperative to develop a comprehensive water budget and pollutants study. It is our argument that water quality, water consumption and environmental impact must be predetermined in order to allow for logical and rationale permit allocations and approvals by Department of Water Resources of the State of Idaho (IDWR). It is urgently essential to develop a study in order to quantify the level of development that is feasible in and around Coeur d' Alene Lake and therefore

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permissible without significantly affecting current Coeur d' Alene Lake water levels and quality.

Accordingly, on May 1, 2006, The Coalition for Positive Rural Impact at Rockford Bay and Loffs Bay requested that the IDWR analyze existing and future developments, water districts, current and proposed golf courses currently withdrawing or scheduled to pump irrigation and/or utilize domestic water from the Coeur d' Alene Lake Basin and subsequent water consumption requirements. Accordingly, it was requested that data collection begin immediately and the utilization of an analysis to compile a record as to the *cumulative* usage and short and long-term effects of this *cumulative* usage on local surface and ground water supplies and power supply resources.

As the natural landscape in Kootenai County is urbanized, more and more impervious area shifts the water cycle from its natural balance. This shift results in impacts to both water quantity and water quality; specifically, increased runoff discharges into receiving waters over a shorter time frame, decreased infiltration for ground water recharge/stream base flows, and more pollution generated by land uses commonly associated with development and golf course subdivisions. These developments all have the potential to impact down slope residences, their drinking water supplies and surface water quality.

It is important to recognize that drainage divisions of the natural landscape or watershed boundaries do not follow the jurisdictional boundaries of society. Surface

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water is interconnected to ground water and vice versa, making the study and protection of one integral to the protection of the other. Changes in land use drive changes in local water quality. The most common non-point source pollutants are derived from 1) a multitude of pollutants derived from activities associated with impervious surfaces (i.e. asphalt/concrete), and 2) the transport of fine sediment from construction site activities. These pertinent sources need to be studied and addressed in an accurate database.

A major change in land use around the Coeur d' Alene Lake basin has been the construction and expansion of large residential golf course developments. There is extensive documentation with the Idaho Department of Environmental Quality (DEQ) that large residential golf course developments have not been good stewards of our water resources. There is documentation filed at DEQ relative to numerous complaints from residents down slope from two specific golf course developments, Gozzer Ranch and Club Black Rock. These complainants believe that water quality impact to their drinking water as well as pollutants and erosion flowing into Coeur d' Alene Lake stems from these developments. Homeowners insist there is a connection between degraded water quality coinciding with development activity of these two large golf course subdivisions.

Currently, in North Idaho there is NO AGENCY that knows how large golf course developments impact Coeur d' Alene Lake, as well as surface and ground water resources, by erosion, water pollution and contaminates. No agency knows the

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cumulative issues and effects of these developments on our environment and on public health. Additionally, the water consumption allotted and utilized by these golf course developments for “water features”, ponds and golf course irrigation *per capita resident* is, at a minimum, suspect of being ethically justifiable.

A cumulative study on qualitative and quantitative surface and ground water data would aid in predicting the potential for water quality impacts, assess the effectiveness of current storm water, golf course fertilization and pesticide maintenance practices and wastewater management practices and set policies for improvements. This crucial study would be utilized to support water-budget models, decision-support systems, ground-water and surface-water hydraulic models, implementation for the Coeur d’ Alene Lake Management Plan and as a basis for the future issuance of water withdrawal permits and actions related to permits.

In order to establish a water budget for the lake it will be necessary to accurately quantify inflows and outflows, change in storage, precipitation, climate changes, evaporation, ground water exchange and all withdrawals and return flows. All major and significant inflows and outflows as well as lake levels for calculating change in storage will need to be monitored and measured. A database of environmental (hydrologic and geologic), cultural and demographic and climatic variables are required in order to accurately assess and quantify Coeur d’ Alene Lake’s water budget and assess the effects of cumulative withdrawals on lake levels.

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Stream flow data is required, as well as contributing drainages, a water-use dataset needs to be developed based on the current inventory of public-supply wells, large industrial and domestic self-supply wells need to be inventoried, golf courses, gated communities and resort communities need to be inventoried for well water usage, irrigation as well as water features and pond usage. A data layer is required which extrapolates golf-course developments as this layer would be used for water-quality (nutrients/pesticides) conditions for future land-use planning around the lake.

Data on the extent of aquifers having a hydrologic connection to the lake requires study. The Coeur d' Alene Lake-Spokane River-Spokane Valley-Rathdrum Prairie Aquifer interchange and relationship is complex. There is a strong relationship between the Aquifer and Coeur d' Alene Lake to the Spokane River throughout its length to the confluence of the Little Spokane River.

Lake Coeur d' Alene, its streams and tributaries are the main contributor to the Spokane River. The lower the flow in the Spokane River the less water gets into the Aquifer. The flow in the River during late summer is very low. This flow is critical to maintain human consumption and use, support diverse plant and wildlife populations as well as minimum water flows are necessary to dilute the treated effluent discharging from wastewater treatment plants at Coeur d' Alene, Hayden, Post Falls, Liberty Lake, and the City of Spokane.

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The Aquifer receives a large percentage of its water from surface and subsurface flow from surrounding regional water sources. These regions are known as "aquifer recharge areas". In Idaho, the aquifer recharge areas are called Critical Aquifer Recharge Areas (CARAs) CARAs were officially recognized by the State of Idaho in 1990. Coeur d' Alene Lake acts to moderate the water flow between the Critical Aquifer Recharge Areas and the Aquifer. Human activities and land uses on the Critical Aquifer Recharge Areas have a significant and measurable affect on the quantity and quality of water in the Aquifer. As Coeur d' Lake flows into the Spokane River portions of the river lose water to the Aquifer as water percolates out of the river bottom. The flow in the Aquifer increases as water from surrounding watersheds percolate into the ground. Hence, the flow in the Aquifer decreases as these watersheds are reduced. Using groundwater as a water supply effects not only the amount of water in the Aquifer, but also the flow in the Spokane River from Coeur d' Alene Lake.

Newspaper articles from the 1890's relate that area residents believed the Spokane Valley-Rathdrum Prairie Aquifer was an "inexhaustible supply of pure water." This belief continued until the 1980's. Currently, studies and models suggest that during periods of high water demand a large percentage of the Aquifer flow is being withdrawn. The current available supply is believed to be adequate, but the supply is NOT inexhaustible.

Coeur d' Alene Lake and the Spokane Valley-Rathdrum Prairie Aquifer is the most economical supply of drinking water for well over 750,000 people in our region. According to the 2000 Federal census, over 430,000 people live in Spokane County and

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over 117,000 live in Kootenai County. It is estimated that about 60% of the combined populations use the Aquifer as their water supply and another 170,000 people rely on it for their drinking water.

The quality of Aquifer water is currently high, yet water quality trends have shown a gradual increase of contaminants. The ground water supply is highly susceptible to pollution because of the porosity of the glacial gravels, shallow soils, and shallow water table. Pollutants such as coliform bacteria, nitrates, and volatile organic compounds have been detected in ground water samples. Surface water is also highly vulnerable to contamination. Human-generated surface contamination is a reality-contamination incidents are costly, time consuming and technically difficult to manage. Prevention efforts are much more cost effective than clean-up efforts.

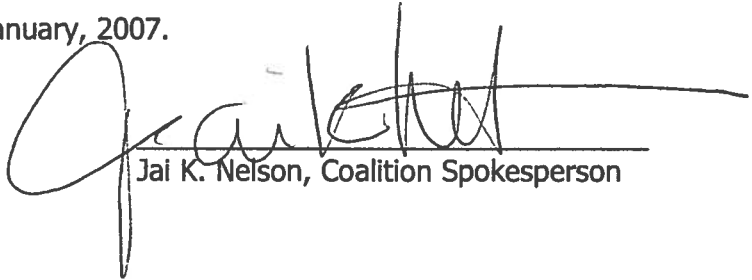
As current water quality trends have shown a gradual increase of contaminants reaching area drinking water sources, this alarming and escalating trend of increased contamination indicates that surface and ground water resources must be promptly and responsibly protected from further contamination. As a state and public agency, the IDWR is obliged to manage water resources, fairly allocate aquatic resources and protect the public interest. To do so without a database is imprudent and unreasonable. The most judicious and reasonable approach is to order an immediate WATER MORATORIUM and mandate a definitive and comprehensive qualitative and quantitative water budget study of the Coeur d' Alene Lake basin along with the inflows, outflows and the Spokane Valley-Rathdrum Prairie Aquifer.

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The Coalition for Positive Rural Impact at Rockford Bay and Loffs Bay is requesting a WATER MORATORIUM based on the above factual information and the key issue that any permit action prior to the completion of a definitive study will only serve to exacerbate qualitative and quantitative water issues.

Consequently, we are requesting that any and all action on permits, applications, amendments or permit issuance be temporarily suspended to protect the public interest. Furthermore, we request that the WATER MORTTORIUM be issued immediately and go into effect no later than February 1, 2007.

Dated this 20th day of January, 2007.



Jai K. Nelson, Coalition Spokesperson

References:

The Spokane Valley-Rathdrum Prairie Aquifer Atlas, 2004 Update.

State of Idaho Division of Environmental Quality; Environmental Planning Tools and Techniques, Linking Land Use to Water Quality Through Community-Based Decision Making, July, 1997.

IDWR GIS Water Budget Database for Coeur d' Alene Lake, September 21, 2006.

Department of Environmental Quality Study Proposal; Land Use Change and Runoff Characteristics Coeur d' Alene Lake Area, March 27, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **REQUEST FOR A WATER PERMIT MORATORIUM** addressed to the person(s) as shown below on the date set forth below at the Department of Water Resources of the State of Idaho by the following method or methods:

[X] By mailing full, true and correct copies thereof, in sealed, first-class postage-prepaid envelopes, addressed to the person(s) as shown below, the last know address of the person(s) with the United States Post Office at Coeur d' Alene, Idaho on the date set forth below.

Department of Water Resources of the State of Idaho

David Tuthill, Director

P.O. Box 83720

Boise, Idaho 83720-0098

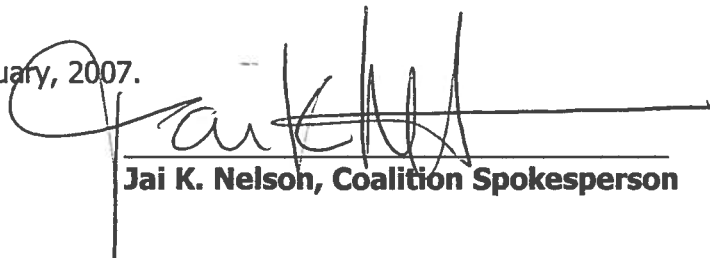
Department of Water Resources of the State of Idaho

Robert G. Haynes, Regional Supervisor

7600 Mineral Drive, Suite 100

Coeur d' Alene, ID 83814

Dated this 20th day of January, 2007.



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