

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 95-9480)
In the name of GARWOOD WATER COOPERATIVE.)

PROTEST

Receipt #
NO 19254

This protest is submitted on behalf of the Kootenai Environmental Alliance.

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A. Interests of Protestant

Kootenai Environmental Alliance (KEA) is a 501(c)(3) non-profit corporation incorporated in the state of Idaho, with a mission to protect and restore the environment with an emphasis on the Idaho Panhandle and the Coeur d'Alene basin. The KEA office is located at 408 Sherman, suite 301, Coeur d'Alene, ID. KEA mailing address is: Kootenai Environmental Alliance, P.O. Box 1598, Coeur d'Alene, ID 83816-1598.

KEA has members and supporters who live, work and recreate in North Idaho and Eastern Washington, including recreating on the Spokane River. KEA members rely upon the Rathdrum Prairie-Spokane Valley aquifer (Aquifer) and other ground and surface water sources for drinking water supply and to serve the businesses where they work. KEA members actively participated in the current comprehensive bi-state study of the Aquifer.

The Protestant and its members are, and will continue to be adversely affected by water allocation and management decisions, including the instant application, that diminish, over-allocate, or otherwise harm the Aquifer and hydraulically connected water resources, including the Spokane and Little Spokane Rivers, and other ground and surface water sources.

B. Basis of Protest

Kootenai Environmental Alliance protests Application for Permit No. 95-9480 filed by Garwood Water Cooperative, which seeks 2 CFS (1,292,630 gallons per day) from groundwater for municipal purposes to supply water for an undetermined number of connections. This protest is based on the criteria set forth in Sec. 42-203A, Idaho Code, and groundwater statutes, as more specifically set forth below.

The applicant has provided a water supply plan with the application. For a project of this size and complexity, more information will be required pursuant to IDAPA § 37.03.08.040.05. The Rathdrum Prairie Ground Water Management Plan (IDWR, 2005) section 3.2.1.3 states "Existing and new uses, 1.01 cfs or greater, are required to have a functional metering device, the water user must

measure the total ground water withdrawal and ground water depth monthly and report quarterly. A conservation plan must be developed if application is made to appropriate water or to transfer a water right. Upon approval of the application, the plan must be reviewed by the right holder every five years, at a minimum, to evaluate the effectiveness in achieving the conservation goals. " This applies to ground water withdrawals on the aquifer from which withdrawals are made and on any other hydraulically connected sources of water. This information has not been provided. As the applicant provides that information to IDWR, and as more information becomes available through approved discovery processes, Protestants reserve the right to raise additional issues. The application as submitted is inadequate to meet the standards set forth in controlling regulations and statutes and the applicant will not be able to meet its burden of proof under the law.

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(1) The project is contrary to the conservation of water resources.

The application is contrary to the conservation of water resources in Idaho, in contravention of IC §42-203A(5)(f), insofar as it proposes to withdraw 2.0 CFS. Garwood Water Cooperative has neither promulgated nor implemented a water conservation plan to limit consumption at reasonable levels nor required a functional metering device and annual reporting of ground water withdrawal as ordered by the Rathdrum Prairie Aquifer Ground Water Management Plan (IDWR, 2005).

The Applicant requests 2.0 CFS (471,809,950 gallons per year) to supply water for an undetermined number of connections. The 2.0 CFS requested is based upon the greatest instantaneous diversion needed at any one time and used as a basis of use for every day of the year and does not reflect actual water usage. Information provided in the application does not allow full assessment of the request, which may be excessive and wasteful.

(2) Water supply is insufficient.

The impacts of this withdrawal have not been assessed, but could have adverse effects on neighboring wells as well as the Rathdrum aquifer and the flows of the Spokane River. The requested water withdrawal is from the Aquifer or a hydraulically connected source of water. Recent studies indicate that the Aquifer is a finite resource. According to the recently completed bi-state aquifer study, groundwater withdrawals from the bi-state area have not yet exceeded natural recharge within the basin, but with the rapidly growing population in the Rathdrum Prairie-Spokane Valley aquifer area, that could change in the foreseeable future. Without a commitment to water conservation, the potential for mining the aquifer increases. Permitting an Application for Permit based upon instantaneous diversion rates (CFS), without imposing an annual volume limitation based upon actual

average water consumption figures, does not provide an incentive to conserve water. As a sole source aquifer, the Aquifer is an invaluable resource to the 500,000-plus citizens of the region who depend upon it for their sole source of drinking water.

(3) The project will harm the local public interest.

The requested withdrawal could deplete flows in the Spokane River, harming fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality.

Water quality is degraded in the Spokane River with respect to dissolved oxygen, temperature, and other flow-related parameters. Municipal sewage discharge contributes to water quality problems, including violation of water quality standards in Washington State. Withdrawal of water in the quantity requested in the permit application, when considered cumulatively with all of the other withdrawals from the Aquifer and its recharge areas, could deplete flows in the Spokane River and reduce them below the levels set forth in the minimum flow water right, further exacerbating water quality degradation.

The cumulative impacts of the proposed Garwood Water Cooperative withdrawal, combined with other pending applications and existing water rights could lead to interference with other wells, impacts to the Spokane River and a variety of other potential ills, in violation of the local public interest. Idaho must engage in water resource management planning that addresses these issues before approving new and sizable water rights, including the instant applications.

C. Relief Sought

For the foregoing reasons, the Protestant requests that a protest hearing be scheduled and that Garwood Water Cooperative Application for Permit No. 95-9480 be denied or conditioned to mitigate the harms and impacts identified above.

DATED this 19th day of May 2008.

Barry Rosenberg

Barry Rosenberg
Executive Director
Kootenai Environmental Alliance

(208) 667-9093

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May 2008, I served a true and correct copy of the within and foregoing document upon the party named below by depositing a copy of the same in the United States mail, postage pre-paid, at the post office in Coeur d'Alene, Idaho.

Garwood Water Cooperative
P.O. Box 1137
Hayden, ID 83835

Barry Rosenberg

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Executive Director
Kootenai Environmental Alliance
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