

ROGER D. LING
BRENT T. ROBINSON

JASON D. WALKER
TIMOTHY J. SCHNEIDER
ASSOCIATES

LING & ROBINSON
ATTORNEYS AT LAW
615 'H' STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

February 7, 2003

Northwest Power Planning Council
851 S.W. Sixth Avenue, Suite 1100
Portland, Oregon 97204

**RE: Comments on Draft Mainstem Amendments to the Columbia River
Basin Fish and Wildlife Program, Council Document 2002-16**

Dear Council Members:

I have been requested to submit additional comments by the Committee of Nine of Water District 1 of the State of Idaho on the draft mainstem amendments to the Columbia River Basin Fish and Wildlife Program above referred to. As you know from other comments submitted on behalf of the Committee of Nine, the Committee of Nine is the official advisory committee for Water District 1, the largest water district in the State of Idaho. The watermaster elected by the water users of Water District 1 is responsible for the distribution of water among the appropriators of water within the water district, primarily irrigators, from the natural flow of the Snake River and storage of the Snake River in reservoirs constructed primarily by the United States Bureau of Reclamation above Milner Dam. The Committee of Nine is also the designated rental pool committee that has facilitated the rental of stored water to the Bureau of Reclamation to provide water for flow augmentation in the Snake River below the Hells Canyon Project on the Snake River. The Committee of Nine, in cooperation with the Idaho Water Users Association, has submitted numerous comments to show that the use of water for flow augmentation has not been found, on a scientific basis, to be beneficial to the recovery of listed anadromous fish found in the Snake River below the Hells Canyon Project and within the Federal Columbia River Power System. Scientific data has previously been submitted to support our position, including opinions from Dr. James J. Anderson, School of Fisheries, University of Washington; Dr. Richard A. Hinrichsen, Hinrichsen Environmental Services, Dr. William J. McNeil, retired Professor of Fisheries, Oregon State University, and Craig L. Sommers and David B. Shaw of ERO Resources Corporation, among others. We do not intend to restate the scientific basis for our position, nor our concern with the science used in the adoption of a low augmentation program with water from the upper Snake River, but we do believe it would be helpful to emphasize to the Council the dynamics of the Snake River above

Hells Canyon and the Snake River and Columbia River below Hells Canyon.

As the Council knows, no anadromous fish migrate above the Hells Canyon project, and did not historically migrate above the falls in the Snake River near Twin Falls, which is several miles below the Milner Dam on the Snake River. It is also important to note that although a substantial amount of the water from the Snake River is diverted for the irrigation of the fertile lands in southern Idaho above Milner, the actual flows of the Snake River a few miles below Twin Falls have not been substantially altered from the historical flows of the river. Large diversions from the Snake River for irrigation did not occur until approximately 1900. As the result of the diversions from the Snake River, primarily for irrigation, pursuant to water rights with a priority of 1905 or earlier, the flows past Milner Dam do not occur during the irrigation season and the river is dry at that point. Notwithstanding this diversion of natural flow, the Snake River recharges itself in the Thousand Springs area above King Hill, Idaho and below Milner Dam. Prior to the irrigation of large irrigation projects on the Snake plain using water from the Snake River (prior to 1902), slightly over 4,000 cubic feet per second (cfs) of water flowewd from the Thousand Springs area to the Snake River. By 1910, these flows from the springs had increased to 9,359 cfs, reaching a peak of 11,043 cfs in 1917. This increase in spring flows has been contributed primarily to the substantial irrigation that has occurred since 1900 on the Snake plain overlying the Eastern Snake Plain Aquifer which is the primary source of the spring water. These spring flows have generally increased from 1902 to a peak in approximately 1952, when ground water development commenced over the Eastern Snake Plain Aquifer. Notwithstanding the substantial ground water development that has occurred in southern Idaho since 1952, the average annual spring discharge to the Snake River between Milner and King Hill has still been substantially higher than the discharges that occurred between 1902 and 1910. Between 1987 and 1993, the discharge of the springs back to the Snake River varied from 7,981 cfs down to a low of 5,361 cfs. Even these flows during an extreme drought in southern Idaho did not reach the low flows that were measured in 1935, during another severe drought in southern Idaho. These 1935 flows dropped to 5,069 cfs. The flows were below 6,000 cfs from 1931 to 1935, 1937, 1940 and 1941. On the same vein, spring flows back to the Snake River between Milner and King Hill reached a high of 13,116 cfs in 1984. This historical data clearly demonstrates that the flows from the upper Snake River have not changed significantly notwithstanding the surface and ground water diversions that have occurred since 1900. The data also clearly establishes that the flows from the Snake River to date have not impacted the survival of anadromous fish in the Snake and

Northwest Power Planning Council
February 7, 2003
Page 3

Columbia Rivers, and that the construction and operation of dams and reservoirs in the upper Snake River has enhanced the annual spring discharge to the Snake River between Milner and King Hill which provides a more than adequate flow for the successful migration, survival and propagation of anadromous fish above the FCRPS dams.

The Committee of Nine fully supports the proposal of the Power Planning Council to eliminate any proposal for an additional one million acre-feet of water to be provided for flow augmentation from the upper Snake River, and encourage the Council to pursue further studies which we believe will establish that there is no scientific basis for flow augmentation of any amount from the upper Snake River. We certainly agree that your ability to change positions and actions must be based on the development of scientific data and need. We further support your proposed mass transportation study of Snake River fall Chinook and agree that mainstem flow targets are not supportable. Finally, we support the position of the Council that unless ordered by the Federal Energy Regulatory Commission, fish reintroduction above at licensed hydro-project should not be required.

To aid in your future deliberations, the Committee of Nine has provided herein a copy of the measurements of flows of the Snake River at King Hill below Milner and at Heise, a major gauging station on the Snake River in eastern Idaho from the years 1910 to 1993, together with a bar graph showing the annual spring discharge to the Snake River between Milner and King Hill between 1902 and 1996. If additional information is desired, please feel free to contact this office or the Committee of Nine.

Respectfully submitted,

By: 

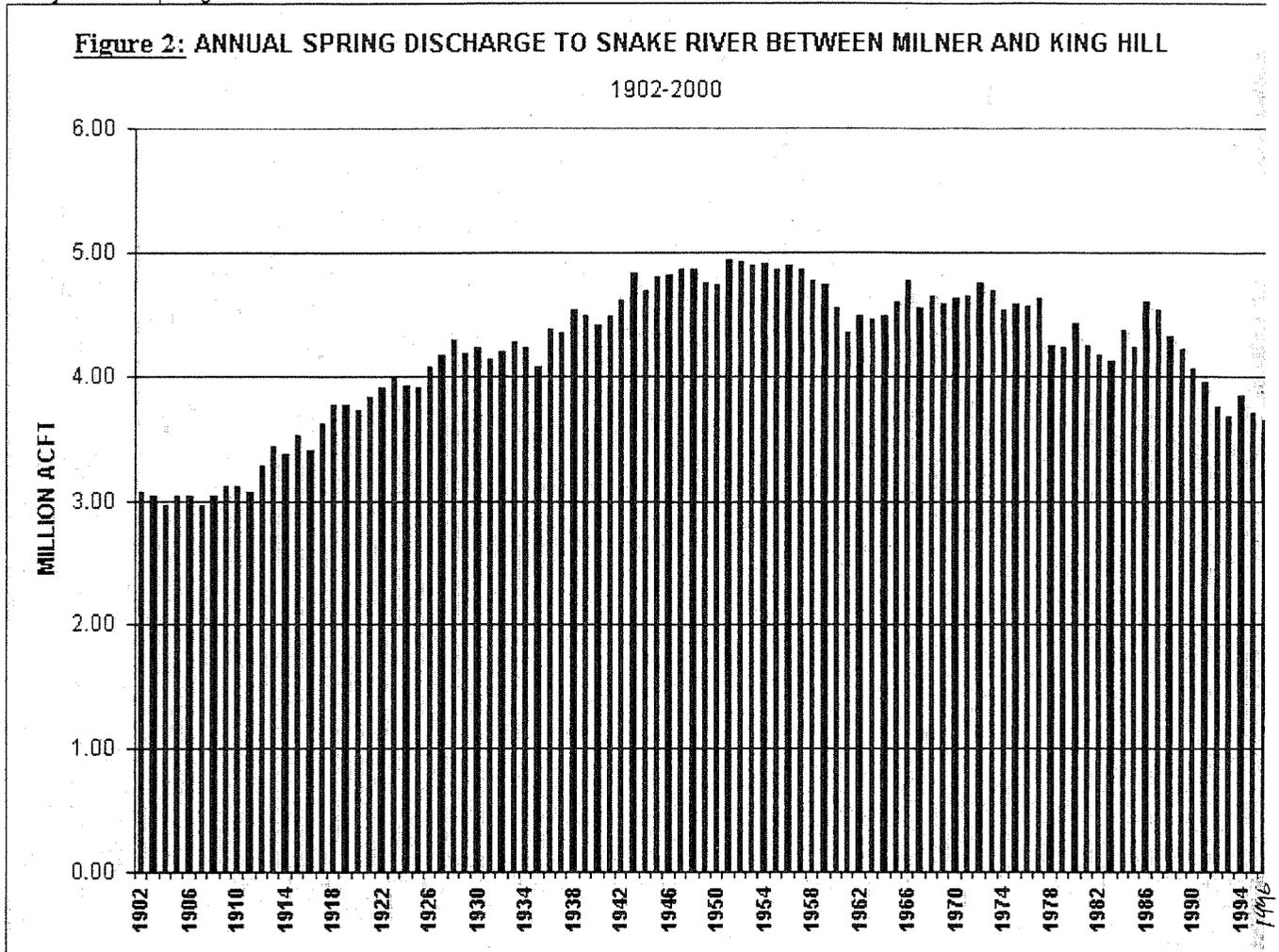
Roger D. Ling
Attorney for Committee of Nine
Water District 1 - Snake River in Idaho

RDL:jb

encs

pc w/encs: Don Hale, Chairman
Committee of Nine
Ronald Carlson, Watermaster
Water District 1

Subject: Spring Flow



K.S. 3
average
K.S. 4

average

HEISE 3
↓

HEISE 4

YEAR	KING HILL	3-YEAR	4-YEAR	5-YEAR	HEISE	3-YEAR	4-YEAR	5-YEAR
1 1910	9359							
2 1911	8921				5761			
3 1912	9896	9392			6130			
4 1913	10385	9734	9640		6446	6112		
5 1914	9680	9987	9721	9648	5898	6158	6059	
6 1915	7430	9165	9348	9262	4007	5450	5620	5648
7 1916	8997	8702	9123	9278	5996	5300	5587	5695
8 1917	11043	9157	9288	9507	6540	5514	5610	5777
9 1918	9613	9884	9271	9353	6704	6413	5812	5829
10 1919	7799	9485	9363	8976	3960	5735	5800	5441
11 1920	7095	8169	8888	8909	5240	5301	5611	5688
12 1921	9462	8119	8492	9002	6007	5069	5478	5690
13 1922	8646	8401	8251	8523	5370	5539	5144	5456
14 1923	7962	8690	8291	8193	5111	5496	5432	5138
15 1924	6843	7817	8228	8002	3673	4718	5040	5080
16 1925	8251	7685	7926	8233	5970	4918	5031	5226
17 1926	7243	7446	7575	7789	3956	4533	4678	4816
18 1927	7125	7540	7366	7485	6352	5426	4988	5012
19 1928	9440	7936	8015	7780	6322	5543	5650	5255
20 1929	7535	8033	7836	7919	4366	5680	5249	5393
21 1930	6692	7889	7698	7607	4323	5004	5341	5064
22 1931	5878	6702	7386	7334	3036	3908	4512	4880
23 1932	5660	6077	6441	7041	4748	4036	4118	4559
24 1933	5820	5786	6013	6317	4204	3996	4078	4135
25 1934	5410	5630	5692	5892	2826	3926	3704	3827
26 1935	5069	5433	5490	5567	4161	3730	3985	3795
27 1936	6209	5563	5627	5634	5404	4130	4149	4269
28 1937	5875	5718	5641	5677	3866	4477	4064	4092
29 1938	7232	6439	6096	5959	5215	4828	4662	4294
30 1939	6662	6590	6495	6209	4376	4486	4715	4604
31 1940	5687	6527	6364	6333	3472	4354	4232	4467
32 1941	5647	5999	6307	6221	3746	3865	4202	4135
33 1942	6434	5923	6108	6332	4367	3862	3990	4235
34 1943	9002	7028	6693	6686	6568	4894	4538	4506
35 1944	7591	7676	7169	6872	4025	4987	4677	4436
36 1945	6962	7852	7497	7127	4745	5113	4926	4690
37 1946	8684	7746	8060	7735	5355	4708	5173	5012
38 1947	7768	7805	7751	8001	5343	5148	4867	5207
39 1948	7987	8146	7850	7798	4839	5179	5071	4861
40 1949	7635	7797	8019	7807	4934	5039	5118	5043
41 1950	8552	8058	7986	8125	6112	5295	5307	5317

42	1951	9538	8575	8428	8296	6393	5813	5570
43	1952	10184	9425	8977	8779	5750	6085	5797
44	1953	7482	9068	8939	8678	4638	5594	5723
45	1954	6831	8166	8509	8517	5133	5174	5479
46	1955	6844	7052	7835	8176	4021	4597	4886
47	1956	8566	7414	7431	7981	6756	5303	5137
48	1957	8064	7825	7576	7557	5593	5457	5376
49	1958	7076	7902	7638	7476	4427	5592	5199
50	1959	6265	7135	7493	7363	4501	4840	5319
51	1960	6074	6472	6870	7209	3921	4283	4611
52	1961	5392	5910	6202	6574	3632	4018	4120
53	1962	6107	5858	5960	6183	5483	4345	4384
54	1963	6761	6087	6084	6120	4561	4559	4399
55	1964	7356	6741	6404	6338	5281	5108	4739
56	1965	9051	7723	7319	6933	6602	5481	5482
57	1966	7667	8025	7709	7388	4311	5398	5189
58	1967	6118	7612	7548	7391	5258	5390	5363
59	1968	6858	6881	7424	7410	5028	4866	5300
60	1969	8541	7172	7296	7647	5029	5105	4907
61	1970	7551	7650	7267	7347	5177	5078	5123
62	1971	11037	9043	8497	8021	7537	5914	5693
63	1972	11478	10022	9652	9093	6957	6557	6175
64	1973	9034	10516	9775	9528	4458	6317	6032
65	1974	9628	10047	10294	9746	6919	6111	6468
66	1975	9802	9488	9986	10196	5876	5751	6053
67	1976	10835	10088	9825	10155	6331	6375	5896
68	1977	6661	9099	9232	9192	2560	4922	5422
69	1978	6447	7981	8436	8675	6132	5008	5225
70	1979	7539	6882	7871	8257	4656	4449	4920
71	1980	6784	6923	6858	7653	5036	5275	4596
72	1981	6476	6933	6812	6781	4086	4593	4978
73	1982	8763	7341	7391	7202	6977	5366	5189
74	1983	11475	8905	8375	8207	6649	5904	5687
75	1984	13116	11118	9958	9323	6836	6821	6137
76	1985	10285	11625	10910	10023	5002	6162	6366
77	1986	11196	11532	11518	10967	7629	6489	6529
78	1987	7981	9821	10645	10811	3973	5535	5860
79	1988	5576	8251	8760	9631	3677	5093	5070
80	1989	5701	6419	7614	8148	4937	4196	5054
81	1990	5796	5691	6264	7250	3970	4195	4139
82	1991	5739	5745	5703	6159	4473	4460	4264
83	1992	5361	5632	5649	5635	3124	3856	4126
84	1993	6007	5702	5726	5721	5056	4218	4156