



The Origin and Management Implications of the Milner and Murphy Minimum Stream Flows

Presentation
To
Natural Resources Interim Committee
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MURPHY MINIMUM STREAM FLOW

- ◎ **3,900 CFS** Average Daily Flow From April 1 to October 31
- ◎ **5,600 CFS** Average Daily Flow From November 1 to March 31
- ◎ Average Daily Flow is the observed flow adjusted for Idaho Power Company Operations
- ◎ Measured at the Murphy Gage approximately 4.2 miles downstream from Swan Falls Dam

MILNER 0 FLOW

⦿ Two Rivers Policy

- “The principle . . . is to secure as nearly as possible a total use of the water for irrigation above Milner Dam, and to secure the greatest possible use for power below Milner Dam.”
- Originated with 1920 Report of Board of Engineers
- Purpose was to resolve tension between hydropower and irrigation

⦿ Based on

- Geography
- Hydrology

Changed Circumstance

- **Premise:** “The waters flowing in the stream below Milner Dam are not susceptible of diversion to any considerable amount, and therefore become of primary use in connection with the production of power.”
- **Unforeseen Change:** Ground water pumping

Response to Changed Circumstance

1976 Idaho State Water Plan

- Determined that depletion of Snake River Flows below that available in low flow months not in the public interest
- Established three minimum flows
 - Milner 0 CFS
 - Murphy 3,300 CFS
 - Weiser 4,750 CFS

1976 MURPHY MINIMUM STREAM FLOW

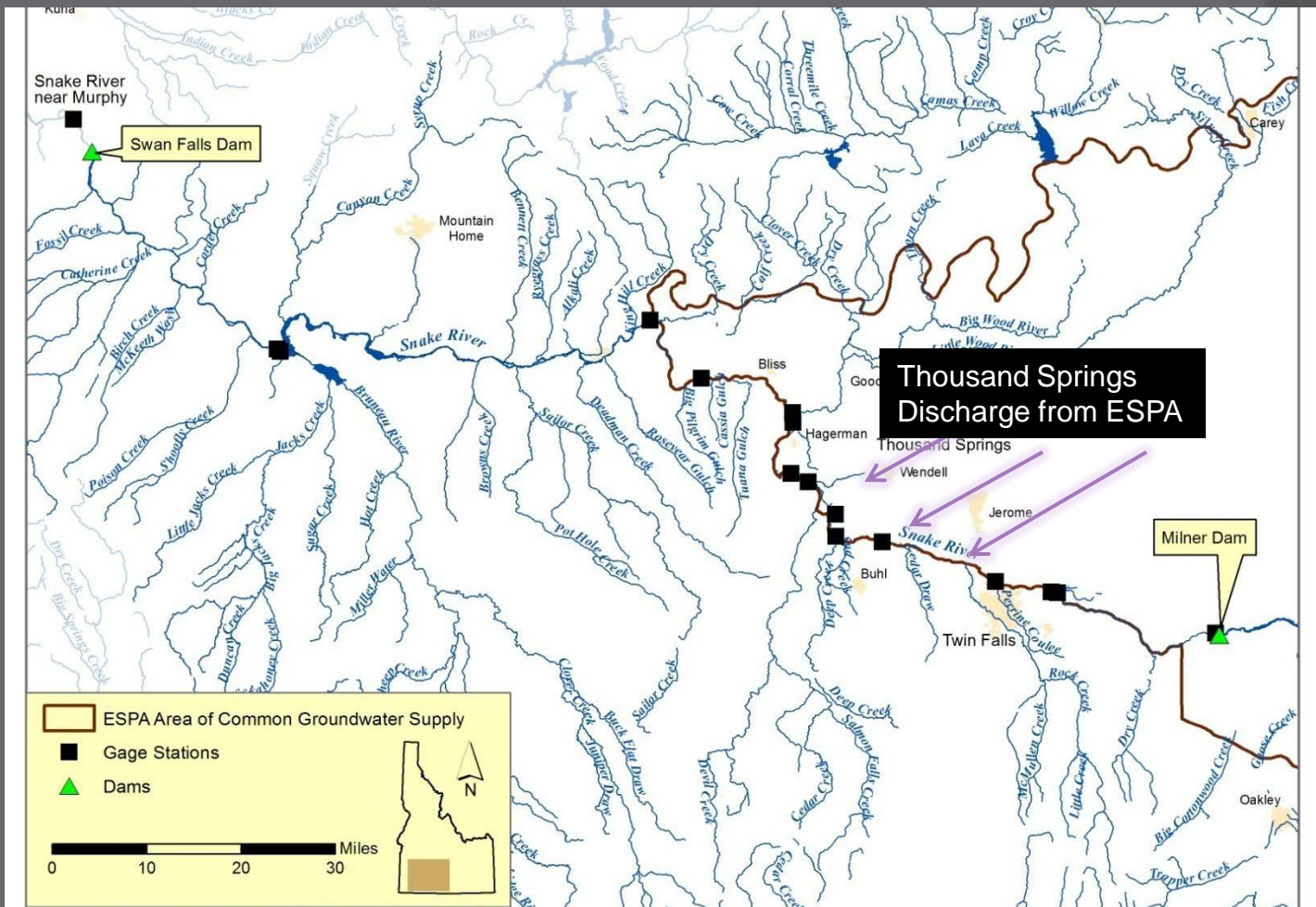
- **3,300 CFS** represented expected summertime flow in dry years at the Murphy Gage if permits previously developed were fully developed
- 1976 State Water Plan provided that water in excess of minimum would be available for development
- Assumed hydropower water rights were subordinated to upstream uses

SWAN FALLS CONTROVERSY

- 1977 Ratepayer Action Against Idaho Power Company
- 1977 Idaho Power Company lawsuit against certain water right holders
- 1983 – Idaho Supreme Court held Swan Falls hydropower water rights were not subordinated by FERC Hells Canyon License

SWAN FALLS SETTLEMENT

- Increased Murphy Minimum Stream Flow to 3,900/5,600 CFS
- Recognized Milner 0 Flow
- Provided for development of flows above the Murphy minimum stream flow
- Recognized tension between the Milner 0 Flow and Murphy Minimum Flows



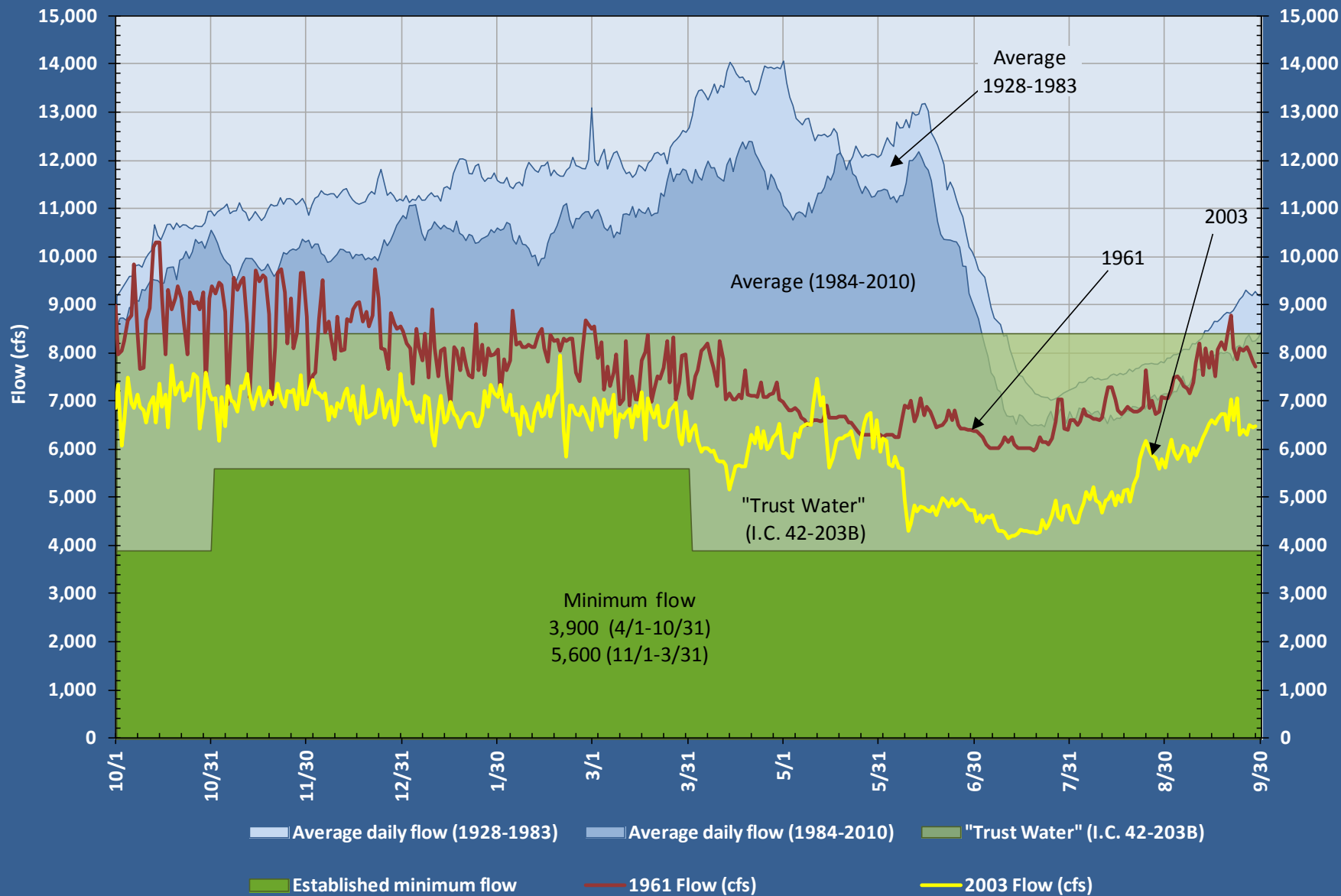
When flow is zero at Milner, flow at Swan Falls Dam is made up almost entirely of spring flows from the ESPA

SWAN FALLS SETTLEMENT (cont.)

- ◎ “The State shall enforce the State Water Plan and shall assert the existence of water rights held in trust by the State and that the Snake River is fully appropriated as needed to enforce the State Water Plan.”

Where Are We Today

- “[T]he settlement agreement is expected to have no impact on depletions or hydroelectric generation until approximately **2015** . . .” *Idaho Power Company Response to Questions (January 30, 1987)*.
- *Lowest Observed Actual Flow at Murphy Gage in 2013 – 4,380 cfs*



Methods for Maintaining Murphy Minimum Stream Flow

- Curtailment
- Management

Plan for Maintaining Murphy Minimum Stream Flow

- ⦿ Completion of Measurement and Monitoring Protocol
- ⦿ State Water Plan
 - Development of tools for predicting spring flow trends
 - Development of an adaptive management strategy to ensure Murphy minimum stream flow
 - Revision of Part B Plan for Milner to Murphy Reach of the Snake River

QUESTIONS