

**Comments by Ronald M. Harriman concerning water quality review by the DEQ Idaho 5-14-2020, 2020 Triennial Review Issue Paper: Salmonid Spawning Use Designation**

**Current Rules 1.1.1 Surface Water Use Designations (IDAPA 58.01.02.100)**

**Aquatic and Physical designations**

**Concerning Performance-based Approach for Temperature Criteria & Lower Snake – Asotin Subbasin (HUC 17060101) Salmonid Spawning Use Designation**

Water temperatures of 13C during the months of June through mid-September are unachievable from the East fork of the Snake River with the confluence of the Henry's fork of the Snake river to the exit point from the state of Idaho at Lewiston. This also is true for all of the tributaries entering the Snake throughout Southern Idaho which includes the tributary discharges from the Snake River Aquifer throughout the area known locally as the "Magic Valley". This statement is fact based and established by present and historical data from U.S.G.S. monitoring stations that are or were located along this identified section of the Snake river and its tributaries. Secondly this condition is also true from the confluence of the Salmon River with the Snake River extending the full length of the Salmon River to and through Red Fish Lake. This appears to be a natural condition and without conflicting data would have been the condition prior to the settlement of this entire area in the 1800's. Considering this established factual data, it is irresponsible for the Idaho DEQ to continue to apply the EPA imposed temperature guidelines to these waters. I would suggest that the DEQ, rather than applying a standard that could not have been developed within Idaho, South of the Clearwater River, instead apply an identification for temperature standard as "Natural Environmental Condition" NEC.

Also applying a 13C temperature to the lower Snake River when the natural summer temperature of the river exceeds 21-23.9C would require artificial cooling of the entire river which of course is impossible.

**Salmonid Spawning designation:**

Salmonid Spawning designations should be applicable only to anadromous species within the rivers to which they actually have access. The native Red Band and other species of Trout native to these waters have generally adapted to the natural environmental conditions as has been established by the attempted remediation and failed application of the 13C temperature to the Owyhee River by both the DEQ and EPA.

**Irrigation sourced water:**

The practice of irrigation districts to oversupply water to irrigators appears to be ensuring the legal retainage of water rights, but it also is the source polluted runoff and seepage that do form tributaries entering WOTUS. These irrigation tributaries are unquestionably the jurisdiction of USCOE, but are State waters, not WOTUS until they enter WOTUS. The state of Idaho within the DEQ regulations retains and demands that these man-made conduits are to be used for the intended purposes not recreation nor as aquatic life. All water diverted from a natural source for irrigation should not be classified as a fishery or aquatic life habitat nor as recreational use. If classified at all, the designation should be Agricultural Use. IE: AU.

The state of Idaho should enforce the “Beneficial Use” doctrine of diverted natural water and enforce efficient use of all diverted water on the land holding the water rights, ensuring no runoff or minimal runoff into WOTUS.