

## **Water agreement concerns chamber**

*By R.J COHN  
Staff writer  
Feb. 2, 2005*

SANDPOINT -- Concerned over implications the recent Nez Perce Settlement Agreement may pose on water rights in Bonner County, the Greater Sandpoint Chamber of Commerce has taken a stance geared toward the protection of its waterways.

The chamber -- which is in support of the agreement -- is calling for a memorandum of understanding between the Idaho Water Resource Board and southern Idaho to address its concern regarding the integrity of Pend Oreille waters.

"The main reason we're concerned is for the potential unintended consequence that could come out of this agreement in a low-water year for the Columbia River," said chamber president Bill Justus. "If flows from the Snake River Basin become lower than normal, Columbia River water managers could possibly call for a drawdown of the Albeni Falls Dam." If that happens, it could dramatically impact the lake level of Lake Pend Oreille during peak summer months by ordering the gates of the dam to be opened.

"There is no inference in the agreement that something like that is likely to happen, but we are definitely concerned," Justus said.

At issue is the result of eight-year, court-ordered mediation settlement which, if approved by the state of Idaho and the Nez Perce Tribe, could potentially affect water rights of Lake Pend Oreille and its supporting water system.

In an exchange for land, the tribe is surrendering all claims on state or private lands regarding water rights. Those that will be purchased will come from voluntary sellers, and the tribe's newly-purchased rights will be secondary to existing water-rights holders.

The agreement also recognizes that minimum stream flows will be set under state law and upheld by the Idaho Water Board, which the Chamber views as a positive factor.

"Our resolution will be a tool that our legislators will hopefully use that will give us assurances that the agreement won't impact our water system," said Tina Wilson, chairman of the Chamber's Public Policy Council. "Even though it doesn't have a direct impact on Pend Oreille waters because we are under a different biological opinion that the Clearwater/Snake river system, we want a memorandum of understanding set in place to maintain and protect our waters."

Wilson also stressed that both water systems enter into the Columbia River system, and the Chamber does not want to see additional pressure placed on Pend Oreille waters to support the Columbia.