RECEIVED
SEP 02 2016
DEPARTMENT OF
WATER RESOURCES

IRWA
Commitment to Quality

September 2, 2016

Director Gary Spackman
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Idaho Rural Water Association's Comments Regarding Proposed Eastern Snake Plain Aquifer Ground Water Management Area

Dear Director Spackman:

The Idaho Rural Water Association (IRWA) is a non-profit corporation originally founded in 1987 to provide training and technical assistance to water and wastewater systems in Idaho with populations under 10,000 people. Today, there are over 350 water and wastewater systems that are members of IRWA. The services provided by IRWA are critical to the water and wastewater systems in Idaho. IRWA's mission is to provide technical assistance, training, and a strong representative voice for the benefit of Idaho's water and wastewater systems.

On July 7, 2016, you sent a letter to water users informing them of public meetings you intended to hold regarding the possible creation of a Ground Water Management Area (GWMA) for the Eastern Snake Plain Aquifer (ESPA). At those meetings, you indicated that you would accept written comments regarding the proposed creation. Please accept the following comments regarding the proposed creation of an ESPA GWMA.

First, the proposed ESPA GWMA took IRWA by surprise. IRWA is aware of the agreement reached between the Idaho Ground Water Appropriators, Inc. (IGWA) and the Surface Water Coalition, and has been monitoring its status. IRWA understood IGWA's members were beginning to implement their requirements to reduce ground water pumping by 240,000 acre-feet. While not at the level contemplated in the agreement, IRWA also understood the State was beginning its recharge efforts. Yet, with the irrigation season still underway, and not even a calendar year since the agreement was signed, you informed water users of the proposed ESPA GWMA. IRWA is troubled by your decision, and requests you reconsider such a drastic measure of creating an ESPA GWMA before giving a meaningful amount of time to let the agreement work.

Idaho Rural Water Association • 6065 W. Corporal Lane • Boise, ID 83704
(208) 343-7001 or (855) 245-9250 • Fax (208) 343-1866
www.idahoruralwater.com

Second, IRWA understands from statements made by the Idaho Department of Water Resources at the public meetings that a hearing is not required to create the proposed ESPA GWMA. While IRWA understands that previous GWMAs have been designated without hearings, it is undeniable that those GWMAs do not come close to the size, scope, or breadth of the proposed ESPA GWMA. Even if Idaho law does not affirmatively require a hearing, IRWA asks whether it is good policy to shy away from a hearing in light of the unprecedented magnitude of such a designation? If you are determined to follow through with creating an ESPA GWMA, IRWA sees value in promoting an open, transparent process, which necessarily includes holding an administrative hearing that affords due process for all water users.

Finally, even if the proposed ESPA GWMA is designated (whether a hearing is held, or not), IRWA must emphasize that its rural communities be given the opportunity to mitigate for their own consumptive ground water depletions. Under conjunctive administration, any water user is entitled to file a mitigation plan to prevent curtailment. The GWMA laws may be less clear on this point, but the underlying goal should not differ – if a ground water user, on their own, can mitigate their consumptive depletions that cause material injury to a senior, they should not be curtailed. Please thoughtfully consider if you would deny an individual ground water user the opportunity to self-mitigate.

In conclusion, IRWA asks you to reconsider designating the ESPA GWMA in light of the fact that the agreement has not been given time to work; that providing meaningful due process to water users should lean in favor of holding an administrative hearing; and that if an ESPA GWMA is designated, ground water users should be given the opportunity to self-mitigate.

Sincerely,

Rob Wright
President, Idaho Rural Water Association