

Eastern Snake River Plain Aquifer (ESPA) Comprehensive Aquifer Management Plan Framework Development Process

Summary of Public Comments Received
Wednesday, October 11th, 2006
Highland High School, Pocatello, Idaho

Prepared by Diane Tate and Jonathan Bartsch, CDR Associates (October 16th, 2006)

The following comments were recorded during the facilitated discussion portion of the meeting, and by participants on comment cards provided at the event. Comments are reported here as recorded, with only minor edits for readability. They have been grouped under headings by the facilitators, and each box represents a separate comment.

<p>What issues/concerns do you have related to the process of developing a Framework? General comments on what should be considered?</p>
<p>Should point and spell out the “need for change” or action from the “status quo” or taking no action.</p>
<p>Aquifer management may benefit all (a “healthy” aquifer benefits everyone) but the benefits aren’t equally distributed. Should look at the aquifer as a reservoir. At American Falls Reservoir, the largest benefit of that reservoir is to Idaho Power, and the costs of reservoir maintenance are shared by all who benefit. There should be a parallel between this system, and the way costs to manage the aquifer are shared – match the benefits received with responsibility for payment. Also have to keep in mind that one person’s benefit may be another’s detriment. The shareholders of the Aberdeen-Springfield Canal company receive no actual benefit from the aquifer. It’s important to look at who benefits and in what places – people should pay proportional to benefits received.</p>
<p>Does the aquifer need to be managed? Haven’t resolved the question of whether it is a healthy aquifer?</p>
<p>A fundamental question regarding this process is whether we need a management plan. Why do we need it? We may need special rules for drought years, but do we need a plan? Is the system deficient of water or is there enough water but not in the right places?</p>
<p>There doesn’t have to be a problem to have a management plan – the goal is to avoid problems. Focus on the alternatives in the management plan versus on whether there is a problem or not (recharge, CREP etc...). Stay away from the ‘sky is falling’ mentality – it has <u>not</u> been determined that there is a long-term detrimental effect.</p>
<p>We know the aquifer is not healthy, and that there is a problem. We need to face up to this as we look at management alternatives and move toward identifying our goals.</p>
<p>With regards to the complexity of the aquifer, it is not clear that there is a ‘problem’ or even what the ‘problem’ is. We should work together during ‘short’ water years to figure this out. The management plan is something that can outline this.</p>
<p>There is a wide range of views regarding the condition of the aquifer. There are multiple ‘experts’ that have varied perspectives on the state of the aquifer. For example, fundamental questions such as ‘is there enough water to satisfy the users’ have not been answered. This issue</p>

is embroiled in the legal challenges and the interpretation of the prior appropriation doctrine. Until these issues are litigated how can you develop a management plan? There are also numerous philosophical perspectives on this matter that will make putting together a management plan difficult.
Management of the aquifer should 1) identify the problems and 2) outline what the best methods are for managing the aquifer. Focus on the alternatives to managing the aquifer not whether there is a problem or not
The '3 rd Party' impacts of water right changes is something that must be taken into consideration. Impacts of these changes include affects on local economies, schools, roads etc... The examination of the consequences of transfers is essential.
Define the aquifer in terms of use – are you able to meet the uses? This is an indicator of the condition of the aquifer.
In the development of the management plan, need to ensure that municipalities do not come under strict curtailment. Domestic users operate under a much different system than do municipalities.
What are your thoughts on possible goals for aquifer management?
Needs to be a priority #1 sustainable resource; first in quality and secondly in quantity.
Are you considering an adaptive management plan? ESPA is a case study for the “law of unintended consequences”. An annual review of the goals and what progress is being made should be done, then adjust the management structure and time expectations accordingly.
What does a healthy aquifer look like? Right now, we don't manage an aquifer that has a FULL mark in it –we need a FULL mark, need to manage to a level. Right now we manage as if it's perpetually empty.
What are the parameters of a FULL mark?
Possible interim measure – monitor more groundwater levels and spring flows. Measurements can be taken based on Spring Creek. There were no spring measures on north side until springs used commercially, and still few measurements on the south side. Need to know how much water comes in through the upper springs, such as those into American Falls reservoir.
We need to identify and define targets for the aquifer. Do we know how aquifer levels affect spring flows? What is the link between aquifer levels and spring flows?
A statewide goal is ‘full economic development’. Water is the key to the successful development of the economy.
How do you define the concept of ‘full economic development’? One way to measure ‘full economic development’ is to analyze the amount of water rights change (sales and transfers) that is occurring or will be occurring. If there is lag time in terms of processing applications it may indicate that economic development has been stifled. Water rights change and the number of transfers may be a good indicator of whether there is ‘full economic development’ occurring.
What comments do you have on the management alternatives?
Alternatives should be considered only “draft” status during the development of the Framework/outline for the “Final” version of the management plan to be adopted.
Suggestion – look at the grandfathered illegally irrigated “expansion” acres. These were grandfathered in and increased the permitted water use – could this be reversed? If so, how far back should we go? Enlargements have been grandfathered in at several stages. Rexburg decree? 1950's or 60's? Curtailment is not just reduction in groundwater acres – it's fundamentally a reduction in consumptive use.
Regarding where or how far to go back, if you look at expansion acres? Water application

<p>practices changed over time (sprinklers and winter water use/savings). State granted water rights “on a bubble”. Time lag issues. Have to look at these issues when developing the plan. Subdivisions are taking over surface irrigation ground, leading to less recharge. What time period do you want to restore aquifer to? More effect due to mode of application changes. Plan priorities must take this into consideration.</p>
<p>One alternative is to look at grandfathered expansions as a way to reduce consumptive use, by curtailing those rights included in the expansions when shortages occur. Grandfathering in of the expansions didn’t occur until the mandatory permit process in 1963 for groundwater users and 1971 for surface water users.</p>
<p>Comments received following the meeting: Following the meeting, public input was received regarding the role of curtailment, voluntary and in-voluntary, in the management of the ESPA. A number of stakeholders advocated strongly for a more explicit recognition and discussion of the role of curtailment in the management of the ESPA and during the ESPA public meetings.</p>
<p>How should the ESPA management alternatives be funded? Principles?</p>
<p>No increase in costs above what IDWR is already funded. Just change the work priority for implementation and administration of the CAMP and set aside other lower priority work during implementation and monitoring phase. May become apparent in the development of the Framework. Non traditional approaches should be used from within the existing tax revenue base in place. No new taxes or raise in rates.</p>
<p>Water as an economic good</p>
<p>With regard to water as an economic good: water is not like other goods – it belongs to the state for the public good. The right to use water is granted from the state and it removes the motive to use water for use other than that which is permitted. I would discourage the marketing of water as a commodity.</p>
<p>Water is a commodity – we lease it. It is a property right and the management plan needs to be consistent with that notion. Transfers as an indicator of economic development is an attractive idea – it indicates that water is moving toward a better use through a willing buyer/seller model. Another participant noted that it is not the same as any other marketable good since requires state permission to change the use or place of use.</p>