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**DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

IN THE MATTER OF DESIGNATING
THE EASTERN SNAKE PLAIN
AQUIFER GROUND WATER
MANAGEMENT AREA

Docket No. AA-GWAMA-2016-001

IGWA’S STATEMENT OF ISSUES

Idaho Ground Water Appropriators, Inc. (“IGWA”), acting for and on behalf of its members, hereby submits this Statement of Issues in the above-matter and described below.

INTRODUCTION

On November 2, 2016, the Department issued an *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area* (“Order”) in this matter establishing a ground water management area for the Eastern Snake Plain Aquifer (“ESPA”). The ESPA Ground Water Management Area encompasses nearly all of the Snake River Plain. (Order p. 25.) IGWA’s members include ten ground water districts¹ and one irrigation district² whose members collectively irrigate nearly one million acres and use water in several other beneficial ways under groundwater rights that divert from the ESPA Ground Water Management Area. On November 16, 2016 IGWA filed its Petition to Intervene and has been granted intervenor status.

¹ North Snake Ground Water District, Magic Valley Ground Water District, Carey Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, Big Lost River Ground Water District, and Henry’s Fork Ground Water District.

² Southwest Irrigation District.

On July 18, 2019 the Director issued an *Order Adopting Deadlines; Notice of Additional Prehearing Conference* (“Order”) establishing an August 1, 2009 deadline for a party to submit to the Director a statement of issues that the party believes the Director should address at the hearing in this contested case and an August 22, 2019 deadline for any party to submit to the Director a response to statements of issues submitted on or before August 1, 2019. The Order provided that the submission of a statement of issues is not mandatory, except for the parties opposing the previously issued order designating a Ground Water Management Area (“GWMA”).

STATEMENT OF ISSUES

IGWA hereby submits the following statement of issues and positions:

- 1. Whether the ESPA GWMA must be confined to the Rule 50 Boundary or should it be expanded to encompass the ESPA model boundary and potentially tributary basins.**

Position: With one exception, the GWMA should be expanded to encompass the ESPA model boundary and all potentially tributary basins, i.e. “mountain top to mountain top.” All groundwater pumping in areas hydrologically connected and can be administratively managed to offset their ESPA impacts the water supply, is part of the cause of declining water levels and therefore must be managed as a part of the solutions. Madison Ground Water District does not support eliminating the Rule 50 Boundary as to its District because the Rexburg Bench is considered a perched aquifer not part of the ESPA.

- 2. Whether a GWMA is limited to regulating pumping within the ESPA or can be used to regulate pumping in tributary basins.**

Position: A GWMA can and should be used to regulate pumping in all tributary basins of the ESPA for the reasons that pumping in tributary basins is part of the cause of declining water levels and therefore must be administratively managed as part of these solutions.

- 3. Whether the Director should appoint an advisory committee to make management plans and recommendations to the Director.**

Position: The Director has the discretionary authority and should establish an advisory committee consisting of representative groundwater users affected by the GWMA to make management plan recommendations to the Director. Advisory

Committees have regularly been established and effectively used to help guide the Director in other critical groundwater areas and should be utilized here.

- 4. Whether groundwater users protected by the 2015 SWC-IGWA Settlement Agreement and the Cities' 2019 Settlement Agreement approved by the Director as mitigation plans should be excepted and excluded from the GWMA Management Plan.**

Position: All groundwater users participating in and protected by the SWC-IGWA and Cities' Settlement Agreements and mitigation plan meet all obligations under the Methodology Order, fully mitigate their respective depletions from the ESPA. These groundwater users remain actively engaged and managed under existing mitigation plans with ongoing efforts to stabilize and recover the ESPA. Accordingly, subjecting these participating groundwater users to additional obligations and restrictions under a GWMA is unnecessary, serves no purpose, and would burden them with additional layers of administrative bureaucracy.

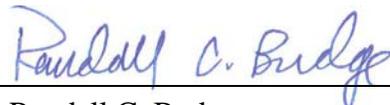
- 5. Whether the GWMA Management Plan should consider and recognize geographical and/or hydrological differences within the ESPA.**

Position: The Management Plan should recognize that the ESPA is not isotropic with consideration of geographic and hydrologic conditions appropriate to consider.

IGWA reserves the right to submit to the Director a response to statements of issues submitted by other parties and to amend its statement of issues and positions based thereon.

DATED this 1st day of August, 2019.

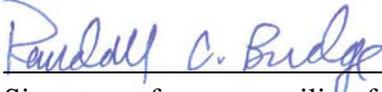
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By: 

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CERTIFICATE OF MAILING

I certify that on this this 1st day of August, 2019, the foregoing document was served on the following persons in the manner indicated.



Signature of person mailing form

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