

Richard Rigby
Idaho Department of Water Resources
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Re: Proposed Change to Conjunctive Management Rule 50

We are told that there is ground water that leaves Basins 33 & 34 and flows into the ESPA, but how much & how long it takes to reach the Twin Falls area are unknowns. Estimates are inexact and can vary widely. Often, the estimates of water contributed from these 2 basins, (especially in the case of the Big Lost River, Basin 34) are extrapolated using other areas that seem similar to ours. This is not an accurate means of estimating the contributions of these basins. IDWR is very aware of the singularly unique nature of the waters of the Big Lost River. That is why when the Snake River Basin Adjudication started; Basin 34 was the 1st reporting area. IDWR reasoned that if they could settle the water rights in the Big Lost, the rest of the state would be a "piece of cake".

My father, Dave Nelson, along with several others, spent many long hours and untold amounts of money dealing with water issues in & for the Big Lost River valley. He was involved in the drafting of the original conjunctive management rules for the state. He was one of the ones to whom IDWR promised that the Big Lost River would never be included in the ESPA. I know that IDWR made this promise numerous times throughout the years. I am quite positive that had he known about the fact that the Big Lost River was included in the ESPAM model, he would have made sure either he or someone capable was a member of the modeling committee.

The boundaries of the ESPAM seem arbitrary & political. People that are on the Modeling Committee have obviously represented and protected the interests of whomever or whatever organization they represented. We were never approached to be on the Modeling Committee. Decisions have been made for our Basins without our knowledge or input. Had we been aware of our inclusion in the ESPAM model, we would have certainly had a representative there to protect our interests.

The contribution of the Big and Little Lost Rivers (Basins 34 & 33) to the ESPA is negligible, at best. "Good" water years, (when calls are unlikely) are the only times that these 2 basins may contribute to the ESPA. "Bad" water years, (when calls are likely) do not allow any water to leave these basins.

The ESPAM was never intended to be used as an administrative tool nor as a boundary. Again, the boundaries of the ESPAM model seem arbitrary & political. The Big & Little Wood River Valleys, for example, should be included in the ESPAM and are not. Do they have representation on the Modeling Committee?

The hydrologic basis for the definition of the Area of Common Ground Water Supply is set forth in the Conjunctive Management Rules as: "The Eastern Snake Plain Aquifer supplies water to and receives water from the Snake River" (CMR 050.0 1.a). The Big & Little Lost River Basins cannot receive water from the Snake River. We do not meet this criterion. If we do become part of the ESPA and are made subject to calls from the Twin Falls area, do we get to make calls ourselves? How will those be delivered?

For the above mentioned reasons, IDWR should not include Basins 33 & 34 in the change to Rule #50 proposed by Clear Springs Foods, Inc.

Finally, I would like to say that the way in which this petition from Clear Springs Foods, Inc was brought about leaves a bad taste in my mouth and does nothing for my faith in the Idaho Department of Water Resources and its ability to deal fairly and squarely with its citizens. Allowing this petition to be published in an obscure administrative bulletin that is not widely accessed by the public, in November of 2010, and not notifying, at that time, the affected water districts of this petition seems underhanded at best and downright deceitful at worst. In the case of Districts 33 & 34, we were unaware of this filing, which directly affects us, until 4 months later and almost too late. Sure, all of the "legal" requirements were meant, the comment period was extended, and IDWR "started over"; still it seems that IDWR was trying to slide something past the water users of the state of Idaho. An e-mail or phone call letting the affected districts know of this petition would have gone a long way toward transparency in this matter.

Sincerely,

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cc
Sen. Jeff C. Siddoway
Rep. JoAn E. Wood
Rep. Lenore Hardy Barrett