

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

Summary of Public Comments Received
Thursday, October 19th, 2006
Idaho Falls Civic Auditorium, Idaho Falls, Idaho

Prepared by Diane Tate and Jonathan Bartsch, CDR Associates (November 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 comment from a separate individual or group (all parts of the comment may or may not pertain to the heading).

What issues/concerns do you have related to the process of developing a Framework? General comments on what should be considered?
How far back to we have records on the underground aquifer? Do we go back long enough to create a really good management plan? Don't believe we can do this management plan without something that involves the entire state. A motel and a farm are both real estate held for income producing purposes (shouldn't be treated different as far as water is concerned).
This problem has been addressed for a considerable period of time, and lots of money has been spent. Idaho is fortunate to have a handful of men devoted to understanding this problem. When policy is made, needs to be made by men that understand the problem. There are streams of water going where they should not go. Should measure all wells and headgates. Must consider dimensional wholes – pick places and drill wells to see what's down there – could be more, even deeper aquifers. This isn't a local problem; it's a regional problem (including areas outside Idaho).
Concern with process – lawyers and experts who have been fighting these issues for years will have most input and the rest of us – end users – will not have input. So much tension now we can't reach consensus – everyone is covering themselves. Keep everyone as whole as possible and have something good come out of this.
Where were the interviews you mentioned held? Did you talk with as many people in the upper basin as you did in the lower basin? Where you did your interviews and who you talked with may skew the information you have.
The system is sick, and it invites litigation. Good public policy shouldn't invite litigation. People need more education as to how water works, because right now they don't understand. Need a simple policy, and a fair and simple tax to pay for what needs to be done. There is a need to not only manage the sick system, but to include changes in the law or constitution that will help. The best constitutions are made up of guiding principles, not specific policies. Change is inevitable, adaptation is optional.
The vibrant economic climate in Idaho depends on more than just agriculture. Need to support recharge. The facilitation team should make sure to get more input from above American Falls.
I was born in 1926 and remember the danger of floods. In a low water year, you had to do

<p>everything you could to get water up and into the canals. We had low water years in the early to mid 1930's. Canals also filled up house wells. As a well driller, I watched this happen all over the plain. These problems have existed forever. First water table I saw drawing down was near Paul. Burley water table dropped 100 feet. Not here – little pockets is has to fill up before it runs over. Lots of sub water up here. Canal water recharges wells. Should start earlier or go later. Shouldn't let them pump too much in the early or late period.</p>
<p>Any consideration of this water distribution must be peak to peak (wet to wet or dry to dry) must consider overall picture and not just the drought we've just had.</p>
<p>We should not negotiate away upper Snake River water. Use trust water to address shortages and declines. Developers sell water rights off of land, then come back and drill domestic wells, which amounts to double-dipping.</p>
<p>The model falls short of describing what the aquifer actually does, and describing transfers of water. Need to justify the model. The management plan should direct how the state deals with water rights, and should not use the model in an inappropriate manner. Need more help for IDWR, because they can't get their work done, and have a paperwork backlog. We need to help them get the job done. Need to also address future expansion of water, because there is still more water to use. Developers should form together to protect their water. The south part of the basin has all of the financial power.</p>
<p>Water is a statewide issue – 6 out of 7 people are over an aquifer, and 95% will experience water supply issues. Need to address federal laws, too.</p>
<p>Declining ground water levels. 2002 was the last year you showed on the graph in the presentation. Last year did not decline; this year higher. Please use current data and don't sensationalize. Also, you refer to decline of spring flows: please, check the viability of the base years used for this conclusion, specifically with regard to surface water (canals) recharging the aquifer to above "natural" levels at that "base" year. Again, please be thorough in your research.</p>
<p>Why didn't you do an adequate job of informing the public of these meetings? You should have been more pro-active in advertising these meetings via local media.</p>
<p>Use the experts like Barraclough and Ron Carlson and others who are educated and have studied the holistic problem. Not the lawyers.</p>
<p>Only farmers were represented in the meeting but I deal with people who have bought property with both surface and subsurface water rights and intend to use if for development. They have money and will be heard from but won't come to a meeting filled with farmers. Hear from them now or hear from them later.</p>
<p>Need to continue to improve and verify the model; get more data.</p>
<p>Process should be inclusive of all interests, not just farmers.</p>
<p>I agree the water issues need to be pulled together and sorted out according to some priority. There is more demand and some changes. I don't think canal companies water rights should be tinkered with. The first in time right keeps it very clear. There are changes taking place. Sprinkler farming takes about 1/3 less water than flood irrigation. Land going into housing from farming changes things. A lot less waste water from flood irrigation and all the deep well pumping is why thousand springs puts out less water. I suspect a lot of wells were drilled without a permit. So we need some good authority to keep it right.</p>
<p>Population entering this area impacts quality of life. I went through the adjudication process in the New Sweden area; 2 inch flood/4 hours deep well for potable water. What is the process used just across the Bonneville county line in Jefferson County where the subdivision has 50 homes with septic systems and wells? Are you limiting well drilling outside the city limits? If</p>

so how will this affect county acreages?
The sounds system accompanying the presentation was inadequate.
The conversion of farms to housing development and the number of septic systems and wells that supply potable water is a formula for e-coli run wild. Require a well plus water system and sewer systems for such developments, i.e. Bonneville County/Jefferson County line developments.
Do we have sufficient data to determine a framework? How can water users and suppliers of the aquifer be expected to support and provide for all of the users downstream simply because they have come to expect it – not considering the weather in water years?
Idaho Power – deep pockets, with false advertising – scare tactics to voters with regard to power rates. They need incentives to pay state for use of water for their profit. They are a business, not a public (state) entity.
I believe there is plenty of water for everyone’s use, but the attorneys will not let settlement occur because it would cut their income.
Make sure the model is accurate and useful.
Pay a lot of attention to the records. Are they representative of the actual amount? Flood irrigation started prior to 1902 by 20 yrs which means an artificial figure will result from any records kept thereafter. Let’s deal with what was original, not what was created – the record must be earlier than 1890.
The aquifer is a large reservoir – should be managed over long term view, not at an artificially high level.
Idaho Power and Twin Falls area canals were against recharge last spring and that was a crime. Too much blame is put on agriculture.
What are your thoughts on possible goals for aquifer management?
Question/goal: What level are you going to manage the aquifer to? Maintaining the artificial level of the 1950s would cause real problems for groundwater users. What do you consider to be the natural level? 1902 levels? That may not work for all users. What is the health of the aquifer? Groundwater levels may be declining, but from artificial levels. Recharge is very important. What can we do to get Idaho Power on board? This is a big issue that needs to be addressed. (Group support for working with Idaho power)
One goal should be complete economic development of the state of Idaho. Conjunctive management is a good thing, and we need to see what will come out of the Judge Woods decision. Eliminate curtailment as an option because it limits economic development.
Need to ensure the quality of water flowing to the springs is maintained.
Use a rational, scientific approach to determine goals that is co-operative with minimal litigation potential, “fluid” so that it can “flex” with future conditions and technological improvements, as well as other variability. Note: need education of public, including schools, that this resource is renewing, not merely renewable. It is not being minded.
What comments do you have on the management alternatives?
Conservationists object to recharge, but water flows to the ocean. There are excellent recharge sites closer to Twin Falls, like gravel pits. Water should be kept up here, and some recharge projects developed in the Idaho Falls area.
What management alternatives are we using now?
Right now, we cannot keep water in the canals after November. In the upper valley, there are gravel pits that could make good recharge sites if filled with water after November 1 st .
In wet years, the aquifer should be recharged. In dry years, it should be available as a reservoir

for people who need it.
There isn't a "one size fits all" solution to aquifer problems – it will vary in different regions of the state. We have put water into the aquifer and need credit for that. One component of the plan should be credit for incidental or intentional recharge, which could be used toward rights and marketed.
Recharge has helped to cause some of the problems we're now facing. The only aquifer level that can be justified (as a management goal) is the 1900 level – which was "precharged" as opposed to "recharged". The state gave out water rights and incurred large liabilities. In some cases, spring flows were modified by changing the physical spring (tunneling, etc.) – need to look at what's been done and how that changed the amount of water that came out. Aquifer characteristics vary, but common solutions may not. Need to work with canal companies if there is a reduction in spring levels.
There used to be no circle pivots, and it wasn't so hard to set up canals. Put water in the canals and let it recharge as it should.
Is there a strategy to help get Idaho Power on board with the data? What are their objections to recharge?
Last spring we had excess water for recharge, but Idaho Power got in the way. Need to come up with funding for what needs to be done.
Recharge is the best thing to do – and where you recharge depends on where you want the water to go. Fractured basalt is amenable to recharge, and this is what makes up a large portion of the Snake River plain. The model simulates rocks and water – need more measurement wells to prove the model is accurate. Idaho Power distorted the information they provided to the public during the HB 800 debate. They said recharge wasn't a proven concept, and would lead to a rate increase. This led to the bill being rejected in the Senate.
St. Anthony Canal – lost water to nearby wells when filled initially. When flood irrigation replaced by pivots, only a fraction of the water got into the wells. Had a shocking, dangerous effect on the aquifer. Could pay people to flood irrigate to help reverse that effect.
Recharge: do it! Give "credit" to users who supply recharge, including those volumes incidental to returns from canals and from infiltration from groundwater irrigation – intentional as well as incidental. Do not ignore/forget the role of the Bureau of Reclamation, which controls the flows and storage water, nor the mandates of salmon recovery etc. The aquifer is a storage facility – the best.
Recharge is critical and should be ahead of hydro in priority – both with Idaho Power and Twin Falls canals. Aquaculture – fish is lower value. Some of the water rights should be bought out.
Why not use injection wells to resupply the aquifer? One near my property was closed years ago.
Not in favor of buyouts. Just proper management – no non-consumptive taking of the water from this valley sold or otherwise.
Allow recharge and when there is a severe drought, let most of the people bite the bullet and share in the cut in supply during these dry spells.
Get the water in the canals as early as possible so the natural recharge can take place. As for the western Idaho problem, recharge down there when possible in the Thousand Springs area.
Recharge by leaving water in canals in winter. Use cloud seeding.
Fairness, decision making closest to the people. Some credit for recharge incidental by upstream users. Are models accurate or reliable? If we recharge up at the top of the aquifer it has more chance of use most often. Don't create a new big bureaucracy system. Fair and simple must

rule.
Can we expect municipalities like Idaho Falls to install water meters and cease flat rate for unlimited use of household water? So meter all culinary and individual wells, too.
Good recharge practices on high water years with heavy spring runoff. The entire public needs to be educated and pay for water when water calls are made.
How should the ESPA management alternatives be funded? Principles?
On HB 800, did we violate the constitution? Did the legislature ignore the constitution? Every user should be responsible for some of the funding – domestic and industry should pay, not only irrigation.
What funding is required for a minimal management plan? What about an aggressive management plan?
The state dedicates money to education, but is not adequately funding water, which is the life blood of the state and the fuel for its economic engine. The economic impact of agriculture is huge – we can't shut down agriculture, and so need to protect agriculture's status of water.
There are 150,000 domestic wells in the ESPA. If each one put in \$25 per year, or perhaps \$500 for large wells, we could fund aquifer management. Also, why is 1 million acre feet going over Milner?
Do the power producers PAY for their use of our resource? Funding sources: all citizens via "state"; users by volume affected; not per acre, rather volume, because different crops use different moisture. Funding is NOT a goal.
Equal sharing of cost on volumes used.
Give credit for recharge. Mud Lake water users have several places to do this but we don't get credit for it.
What are our alternatives? Are we in a lax mode, moderate, or aggressive mode? What are the costs/benefits of each? Funding should be kept to the minimum amount necessary.
Cost for usage, this would keep people from wasting the resource.
Domestic use, and especially large use of water for irrigating golf courses, etc. should help pay.
A no tax plan. Funding should come from everyone. But we don't want a tax that never ends.
Prior Appropriation
Legality and constitutionality: pay attention to priority date as a part of measurement. Those who say they have been injured should have to provide some sort of proof – not just not getting water, but proof of economic injury.
The state of Idaho owns all water that has not been adjudicated. Need to use the extra water for recharge, because if it doesn't belong to someone else, it belongs to the state. 480 million acre feet for ESA issues, and every time we get surplus it goes to waste.
Our Irrigation District has wells with a 1948 priority date. We filed a call with the Department of Water Resources in 1997, and then entered into settlement agreement. 12 years later – no management of the aquifer! Problem: no one wants to address the real issues. Funding and recharge deal with apportionment, and the supreme court says we can't do that – the senior gets the water, the junior gets curtailed. Same thing applies to funding. Colorado has determined there is an economic benefit for seniors to share with juniors, but junior bears economic burden. Excellent Colorado supreme court decision in how to share (City of Colorado Springs vs. Bender).
What recharges the aquifer is precipitation. Need to work together within our water limit. Identify all water users, and everyone gets something and no one gets everything. Fairness is important. Define all users and give everyone a voice – need to work together.

<p>Curtailement of junior groundwater rights would cause impacts before others would get the water – how long would curtailement need to occur to have an impact?</p>
<p>Irrigation rights take precedence over power, but the Twin Falls Canal Company partners with Idaho Power. Aquaculture should be bought out.</p>
<p>It doesn't do any good to lament changes in the agricultural system. We can't back up time and make farmers irrigate less efficiently. The pain should be shared. We need to defend first in time first in right, especially as the number of non-farmers is increasing. As far as consequences, need to look at proof of injury and documentation of effects. Curtailement should have a reason and logic to it.</p>
<p>Water rights should be redefined to clarify that the State (its citizens) own the water, the user merely may use only what is needed for beneficial use – not waste or sell for profit. Must be efficient in the use. Change laws, change constitution if needed. Many current regulations from the "Director" are well-reasoned – make them "law" so Judge Woods can't dismiss them.</p>
<p>Proof of Injury should be necessary before litigation – futile calls need to be supported; can't stop water if doing so won't make a difference to "purportedly" injured parties in a short time frame.</p>
<p>Must address constitutionality and legality of prior appropriation policy. Must require proof of injury to make calls.</p>
<p>IDWR must have authority to allocate the water and not over appropriate. Residential use must be limited to ½ acre.</p>
<p>A lot of upper valley canal companies have groundwater, only these rights are as early as 1925. A&B canal company wells were developed up to the 1970. Ground water mitigation should be on a first in time basis and all groundwater should not be grouped as junior to surface water. Maintain first in time first in right.</p>