EXTENSION OF FINAL BIG WOOD RIVER GROUND WATER MANAGEMENT AREA MANAGEMENT PLAN

JANUARY 1, 2025 – DECEMBER 31, 2027

DECEMBER 20, 2024

ACRONYMS

AF	Acre-Feet
BWCC	Big Wood Canal Company
BWLWWUA	Big Wood Little Wood Water Users Association
BWRGWMA	Big Wood River Ground Water Management Area
CIEF	Conservation, Improvement, and Efficiency Fund
CFS	Cubic-Feet per Second
CREP	Conservation, Reserve and Enhancement Program
ESPA	Eastern Snake Plain Aquifer
GGWD	Galena Ground Water District
GWCU	Ground Water Consumptive Use
GWD(s)	Ground Water District(s)
IDWR	Idaho Department of Water Resources
IWRB	Idaho Water Resource Board
KAF	Thousand Acre-Feet
NGOs	Non-Governmental Organizations
NRCS	Natural Resources Conservation Service (United States)
NWRFC	Northwest River Forecast Center
SRBA	Snake River Basin Adjudication
SVGWD	South Valley Ground Water District
SVC	Sun Valley Company
SVWSD	Sun Valley Water and Sewer District
TWG	BWRGWMA Technical Working Group
USGS	United States Geological Survey
WD37	Water District No. 37
WD37B	Water District No. 37B
WD37B GWA	Water District 37B Ground Water Association
WRRCDC	Wood River Resource Conservation and Development Council

Table of Contents

List of Figures and Tables

APPENDICES

EXTENSION OF FINAL BIG WOOD RIVER GROUND WATER MANAGEMENT AREA MANAGEMENT PLAN

I. INTRODUCTION

This document extends the ground water management plan ("Management Plan") for the Big Wood River Ground Water Management Area ("BWRGWMA") for three additional years, from January 1, 2025, to December 31, 2027. The Management Plan was first approved by the Director of the Idaho Department of Water Resources ("IDWR" or "Department") in 2022 for a three-year term, from May 4, 2022, to December 31, 2024. See *Order Approving Ground Water Management Plan*, May 4, 2022, and *Final Big Wood River Ground Water Management Area Management Plan*, April 29, 2022. The Management Plan describes water management actions intended to manage the effects of ground water withdrawals on the aquifer in the BWRGWMA by reducing ongoing consumptive uses of water, augmenting the water supply, and improving water use efficiency.

The Management Plan is separate from the *Management Policy for the Big Wood River Ground Water Management Area* issued on June 28, 1991, ("1991 Policy") in connection with the IDWR order designating the Big Wood River Ground Water Management Area ("Management Area Order"). The Management Area Order and 1991 Policy are attached for reference in Appendix A. The 1991 Policy limited the development of ground water for new consumptive uses within the BWRGWMA. In 2022, IDWR replaced the 1991 Policy with a moratorium order, which was amended in 2024. See *Amended Order Establishing Moratorium in the Matter of the Big Wood Ground Water Management Area*, July 8, 2024 ("Moratorium Order"). A copy of the Moratorium Order is included in this Management Plan as Appendix B.

II. BACKGROUND

The BWRGWMA includes the portion of the Big Wood River drainage upstream from Magic Reservoir, including the Camas Prairie aquifer system. It also includes the upper Silver Creek drainage in the vicinity of Picabo, Idaho. A map of the BWRGWMA is included in this Management Plan as Appendix C.

The upper Wood River Basin hydrologic system is comprised of four main arterial streams: the Big Wood River, Silver Creek, Little Wood River, and Camas Creek. "Aquifers underlying the Wood River Basin include the Camas Prairie aquifer system, the Wood River Valley aquifer system, the ESPA [Eastern Snake Plain Aquifer], and small local aquifers in the upper Little Wood River Valley."[1] Appendix D contains a bibliography of documents characterizing the Wood River Basin hydrologic system.

The following three findings of fact from the Management Area Order summarize IDWR's reasons for establishing the BWRGWMA:

> The surface and ground waters of the Big Wood River drainage are interconnected. Diversion of ground water from wells can deplete the surface water flow in streams and rivers. New ground water uses can also deplete available supplies for other users and affect basin underflow which presently accumulates in the Magic Reservoir.

[1] August 28, 2015, memorandum from Jennifer Sukow to Gary Spackman, "Hydrology, hydrogeology, and hydrologic data, Big Wood & Little Wood Water Users Association delivery calls, CM-DC-2015-001 and CM-DC-2015-002".

> There are a number of Applications for Permit to Appropriate Water pending before the department which propose additional consumptive uses of ground water within the Big Wood River drainage.
>
> Injury could occur to prior surface and ground water rights including the storage right in Magic Reservoir if the flows of streams, rivers and ground water underflow in the Big Wood River Basin are intercepted by junior priority ground water diversions.

Early water management practices in the Big Wood River basin focused on surface water. By 1915, watermasters were administering Big Wood River water rights and Little Wood River water rights by priority. By 1980, IDWR recognized that surface water was fully appropriated upstream of Magic Reservoir in the Big Wood River drainage during the irrigation season and stopped issuing water right permits there for new irrigation consumptive uses.

In the 1970s and 1980s the Idaho Water Resource Board ("IWRB") applied for a series of minimum stream flow water rights on the Big Wood River, Little Wood River, and Silver Creek to preserve flows for wildlife, recreation, and related instream values. The reasons for appropriating minimum stream flow water rights are discussed in Idaho Code and the Idaho State Water Plan.[2] The minimum stream flow water rights, decreed by the Snake River Basin Adjudication ("SRBA") district court, are listed in Appendix E. Consistent with the prior appropriation doctrine, the minimum stream flow water rights, with their relatively junior priority dates, do not limit diversion and use of water pursuant to prior water rights. Furthermore, because conjunctive administration of surface and ground water rights was not yet implemented, the minimum stream flow water rights did not affect the administration or development of ground water rights.

By 1991, IDWR established a ground water management area for the Big Wood River drainage with an associated management policy for the subsequent appropriation of ground water rights. The primary management strategy in the 1991 Policy was to restrict the approval of new ground water appropriations in the BWRGWMA. Under the 1991 Policy, IDWR did not approve new appropriations of ground water for non-domestic consumptive uses within the BWRGWMA, unless the applicant mitigated for depletions that would injure senior surface and ground water rights. These restrictions minimized new depletions of water in the BWRGWMA after 1991.

While the 1991 Policy limited the development of new ground water appropriations in the BWRGWMA, water users remained concerned about the impacts of ground water diversions on both ground water and surface water sources in the Wood River Basin. Work to resolve the concerns largely paused while the SRBA determined the elements of existing water rights, including those in the Wood River Basin. As the SRBA ended for non-de minimis water rights, the desire for conjunctive administration of surface and ground water rights by priority came into focus in much of the SRBA area. In the Wood River Basin, IDWR responded by cooperating with the water users and with other agencies to bolster its ability to manage water resources. Items accomplished include:

- 2010 – In cooperation with the U.S. Geological Survey ("USGS"), IDWR began a program to expand the existing hydrologic monitoring network in the Wood River Valley with the installation of four stream gages in the Wood River Valley.

[2] Idaho Water Resource Board, 2012, Idaho State Water Plan, https://idwr.idaho.gov/wp-content/uploads/sites/2/iwrb/2012/2012-State-Water-Plan.pdf.

- 2011 – IDWR issued an order creating the Upper Wood Rivers Water Measurement District and required ground water users to install measuring devices prior to the 2014 irrigation season.

- 2012 – In cooperation with the USGS, IDWR began work on the development and calibration of a numerical ground water-flow model for the Wood River Valley, including Silver Creek and the Bellevue Triangle area.

- 2013 – IDWR issued an order (a) combining water districts for the Big Wood River, the Little Wood River, and Silver Creek into Water District 37 ("WD37"), (b) adding ground water rights from the Upper Big Wood River valley above Magic Reservoir and the Silver Creek drainage to WD37, and (c) abolishing the Upper Wood Rivers Water Measurement District.

- 2015 - 2016 – Ground water users within the Wood River Valley formed the South Valley Ground Water District ("SVGWD") and the Galena Ground Water District ("GGWD").

- 2016 – USGS published a final report documenting version 1.0 of the Wood River Valley Groundwater-Flow Model.[3]

- 2019 – IDWR published a final report documenting recalibrated version 1.1 of the Wood River Groundwater-Flow Model.[4]

- 2019 – IDWR published a summary of ground water conditions in the BWRGWMA.[5]

Meanwhile, water users within WD37 pursued options to conjunctively manage water rights from hydraulically connected surface and ground water sources in the Wood River Basin.

- 2015 – The Big Wood and Little Wood Water User's Association ("BWLWWUA") initiated two water right delivery calls pursuant to IDWR's Conjunctive Management Rules (IDAPA 37.03.11). Citing procedural issues, IDWR dismissed the delivery calls in 2016.

- 2017 – The BWLWWUA filed another water right delivery call pursuant to IDWR's Conjunctive Management Rules. IDWR dismissed the delivery call in 2017 upon determining that the BWLWWUA lacked standing to bring a delivery call.

---

[3] Fisher, J.C., Bartolino, J.R., Wylie, A.H., Sukow, Jennifer, and McVay, Michael, 2016, Groundwater-flow model of the Wood River Valley aquifer system, south-central Idaho: U.S. Geological Survey Scientific Investigations Report 2016–5080, 71 p., http://dx.doi.org/10.3133/sir20165080.

[4] Idaho Department of Water Resources, 2019, Groundwater-Flow Model for the Wood River Valley Aquifer System, Version 1.1, A. Wylie, J. Sukow, M. McVay, J. Bartolino, 39 p., https://idwr.idaho.gov/wp-content/uploads/sites/2/projects/wood-river-valley/20190627-Groundwater-Flow-Model-forthe-Wood-River-Valley-Aquifer-System.pdf.

[5] Idaho Department of Water Resources, 2019, Summary of Ground Water Conditions in the Big Wood River Ground Water Management Area, 2019 Update, Allan Wylie, 79 p., https://idwr.idaho.gov/wp-content/uploads/sites/2/publications/20190920-Summary-Groundwater-Conditions-Big-Wood-River-GWMA-2019-Update.pdf.

- 2016 through 2020 – To avoid further conjunctive management water delivery calls or administrative actions, ground water and surface water users within WD37 met informally to negotiate ground water management and mitigation strategies.

In September 2020, GGWD and SVGWD submitted a draft BWRGWMA ground water management plan to IDWR. In October 2020, the BWLWWUA and Big Wood Canal Company ("BWCC") submitted a draft agreement proposing elements of, and a road map to, the development of a conjunctive management plan for ground water and surface water rights in the BWRGWMA. In response to the two proposals, former IDWR Director Gary Spackman ("former Director") formed an advisory committee to draft a new management plan for the BWRGWMA. From the fall of 2020 through the spring of 2021 the advisory committee met approximately biweekly to learn from experts about the hydrology and hydrogeology of the Wood River Basin and to evaluate management plan options for the BWRGWMA.

On May 4, 2021, in response to severe drought conditions causing water supply shortages in the Wood River Basin, the former Director initiated administrative proceedings for the Wood River Basin. On June 28, 2021, the former Director issued an order curtailing junior ground water rights in the Bellevue Triangle area of the BWRGWMA to increase the supply of water to senior water right holders in the Silver Creek and Little Wood River drainages.[6] On July 8, 2021, the former Director approved the ground water users' mitigation plan and stayed the curtailment order. Prior to submitting the mitigation plan, the parties to the administrative proceedings -- including GGWD, SVGWD, and BWLWWUA -- signed a settlement document that included, among other things, a commitment to collaborate with the advisory committee to submit a proposed ground water management plan for the BWRGWMA to the former Director by December 1, 2021. The advisory committee resumed meeting on August 9, 2021.

By January 2022 the advisory committee negotiated the elements of the *Big Wood River Ground Water Management Area Advisory Committee Groundwater Management Plan Term Sheet* ("Term Sheet") describing various management actions intended to "inform the development of a ground water management plan pursuant to Idaho Code § 42-233b, support the delivery of water to senior surface water rights, support stream health, and improve and maintain aquifer health." A copy of the Term Sheet is included in Appendix D of the *Final Big Wood Ground Water Management Area Management Plan*, April 29, 2022.

Representatives of the following entities signed the Term Sheet: BWLWWUA, BWCC, SVGWD, GGWD, Sun Valley Company ("SVC"), City of Hailey, Water District 37B Ground Water Association ("WD37B GWA"), City of Bellevue, City of Ketchum, and Sun Valley Water and Sewer District ("SVWSD"). All of these entities are collectively referred to in this Management Plan as the "Term Sheet Parties" or "Parties." The Cities of Bellevue, Ketchum, and Hailey are collectively referred to in this Management Plan as the "Cities." SVGWD and GGWD are collectively referred to in this document as the "GWDs." The Cities, SVWSD, and SVC also prepared the *Cities/SVWSD/SVC Term Sheet RE: Big Wood River GWMA Management Plan* ("Cities-SVSWD-SVC Term Sheet") to further address their contributions to the Management Plan. The Cities-SVSWD-SVC Term Sheet is included as Appendix A to the Term Sheet found in Appendix D of the *Final Big Wood Ground Water Management Area* Management Plan, April 29, 2022.

[6] SVGWD and GGWD sought judicial review of the Director's decision. See South Valley Ground Water District v. IDWR, Case No. CV07-21-00243. On February 10, 2022, the district court issued a Memorandum Decision and Judgement which affirmed in part, and set aside and remanded in part, the Director's decision. IDWR filed a Notice of Appeal of the district court's decision with the Idaho Supreme Court on March 24, 2022. On January 12, 2024, the Supreme Court affirmed in part, and reversed in part, the district court's decision. See S. Valley Ground Water District v. Idaho Dep't of Water Res., 548 P.3d 734, 770 (Idaho 2024), as amended (Jan. 12, 2024).

In May 2022, the Director approved the Management Plan for a three-year term, from 2022 through 2024. The Management Plan was implemented successfully in each of the three years. In accordance with the plan, the Advisory Committee met frequently during the three-year term to review progress and consider Management Plan updates for both the three-year term as needed, and for a longer term beyond 2024. During 2024, the Advisory Committee met ten times with IDWR staff to develop a new or updated, longer-term plan. These 2024 meetings resulted in consensus among Advisory Committee members to revise the Management Plan goals and strategies for an additional three years while IDWR and the committee work together to complete certain tasks to assist the committee with the development of a longer-term plan.

On October 30, 2024, the Advisory Committee sent a letter to IDWR Director Mat Weaver ("Director") recommending the Management Plan be extended three more years to allow time to achieve specific items as outlined in the letter. The Advisory Committee suggested that completing the specified tasks during a three-year period would promote the development of a broadly supported, long-term management plan. In the same letter, the Advisory Committee requested certain adjustments be made to the Management Plan for the three-year extension period through 2027. Those adjustments are outlined in the Advisory Committee's letter included herein as Appendix F.

III. RELEVANT LEGAL PROVISIONS

Idaho Code § 42-226 declares all ground water within the state to be the property of the state and confirms the state's power to supervise the appropriation and allocation of ground water within its boundaries.

Idaho Code § 42-231 states:

> [I]t shall be the duty of the [Director] to conduct investigations, surveys, and studies relative to the extent, nature and location of the ground water resources of this state . . . . It shall likewise be the duty of the [Director] to control the appropriation and use of the ground water of this state . . . and to do all things reasonably necessary or appropriate to protect the people of the state from depletion of ground water resources contrary to the public policy expressed in this act.

Idaho Code § 42-233b states:

> When a ground water management area is designated by the director of the department of water resources, or at any time thereafter during the existence of the designation, the director may approve a ground water management plan for the area. The ground water management plan shall provide for managing the effects of ground water withdrawals on the aquifer from which withdrawals are made and on any other hydraulically connected sources of water.

Idaho Code § 42-233b further states:

> The director, upon determination that the ground water supply is insufficient to meet the demands of water rights within all or portions of a water management area, shall order those water right holders on a time priority basis, within the area determined by the director, to cease or reduce withdrawal of water until such time as the director determines there is sufficient ground water. Water right holders participating in an

approved ground water management plan shall not be subject to administration on a time priority basis so long as they are in compliance with the ground water management plan.

Idaho Code § 42-223(4) states that a water right shall not be lost or forfeited if the reason for nonuse of the water is to comply with the provisions of a ground water management plan.

Idaho Code § 42-1805(7) authorizes the Director to suspend the issuance or further action on applications to appropriate water as necessary to protect existing water rights. Further, Rule 55 of the Department's Water Appropriation Rules (IDAPA 37.03.08) states that the Director may establish moratoriums, as necessary, to protect existing water rights.

IV. MANAGEMENT PLAN GOALS AND STRATEGIES

The goals and strategies of this Management Plan are as follows:

GOALS

- Manage the effects of ground water withdrawals within the Big Wood Ground Water Management Area on hydraulically connected surface water sources to benefit senior surface water rights in the Big and Little Wood Rivers, as authorized by Idaho Code 42-233b.

- Provide seasonal predictability of available surface and ground water supplies for all users such that they can develop practical plans to optimize their use.

- Establish safe harbor from time priority curtailment for BWRGWMA ground water users who participate in and abide by the terms of this Management Plan.

The expected benefits of achieving the above goals through the management of ground water and hydraulically connected surface water include:

- Maintain long-term stable or increasing water supplies.
- Stream flows that serve senior water rights above and below Timmerman Hills.
- Access to ground water resources scaled to each year's water supply forecast.
- Reduced conflict, including the possibility of costly litigation, around water delivery.
- Water to support stream and riparian habitats.

STRATEGIES

- Develop and implement a suite of methods for ground water users to mitigate the impacts of their water use on senior water rights.

- Vary management plan actions to account for the differences in aquifer conditions and hydraulically connected stream flows in wet years and dry years.

- Develop and distribute funding for local water conservation, efficiency, and infrastructure improvements.

- Encourage continual improvements in water supply forecasting for the Wood River watershed.

- Incentivize all ground water users in the BWRGWMA to implement the Management Plan and abide by its terms.

- Continue the BWRGWMA Moratorium Order.

- In accordance with Idaho laws, enforce the administration of ground water rights on a time priority basis against water right holders who are not participating in the Management Plan.

V. WATER USE MANAGEMENT AND IMPLEMENTATION STRATEGIES

To achieve the goals of this Management Plan, the following agreed-upon three-year water use management strategies or practices shall be implemented starting in 2025. Some practices are baseline actions implemented annually, and additional practices are implemented in response to water supply conditions.

1. Baseline Management Actions

Within the BWRGWMA, most ground water users, other than *de minimis* domestic and stockwater right holders, are represented by one or more of the following entities: the GWDs, the Cities, and WD37B GWA. Some non-irrigation ground water right holders are not represented by any of the listed entities. Unless a particular group of ground water users is identified, the term "ground water users" refers to all ground water users in the BWRGWMA, except for *de minimis* domestic and stockwater right holders whose diversions are not administered by WD37 or WD37B.

Ground water users will accomplish the following actions every year regardless of the water supply conditions within the BWRGWMA, unless specifically noted below.

A. Fallowed Acres within Ground Water Districts

A fallowed acre means an acre of land that has been irrigated using valid ground water rights that will no longer be irrigated from either a ground water or surface water source. The GWDs will fallow irrigated acres each year to achieve an annual or baseline level of reduction in ground water consumptive use. Baseline fallowed acres may have water rights from a ground water source only, or from both ground water and surface water sources (mixed sources). Surface water sources may include the Big Wood River and tributaries, Silver Creek and tributaries, or springs tributary to those sources. The GWDs will fallow acres as follows:

1. The SVGWD will fallow at least 1,000 acres/yr, except no fallowing is required during a "Wet" irrigation season water supply as defined in Table 1, Section V.2 of this Management Plan.

2. The GGWD will fallow at least 200 acres within its district boundary and/or outside of its district boundary but within the BWRGWMA west of Highway 75, except no fallowing is required during a "Wet" irrigation season water supply as defined in Table 1, Section V.2 of this Management Plan.

3. Conditions for Fallowed Acres:

    a. Surface water rights from the Big Wood River and tributaries appurtenant to fallowed acres may be changed from irrigation use to managed aquifer recharge, subject to review and approval by IDWR. Surface water irrigation rights changed to ground water recharge may continue to be diverted to canals or ditches and re-diverted to recharge pits to maintain incidental recharge under the same water rights. Surface water rights must be in priority when used for recharge.

    b. Surface water rights from Silver Creek and tributaries appurtenant to fallowed acres may be left in the natural stream channel and changed from irrigation use to mitigation by non-use, subject to review and approval by IDWR.

    c. The location of fallowed acres may change from year to year during the extended term of this Management Plan. Fallowed acres shall be identified by the end of the extended term (December 31, 2027) and stabilized long-term, depending on renewal of this Management Plan, through the Conservation Reserve Enhancement Program ("CREP") or other long-term arrangements.

    d. The GWDs shall identify the number and location of acres to be fallowed each year, along with identification of appurtenant ground water and surface water rights, to IDWR by May 15 of each year.

B. Ground Water Irrigation Season of Use Limits

Ground water users will not irrigate before May 1 or after September 15. Exceptions to the September 15 shut-off date may include:

1. Irrigation to permit harvest of potatoes
2. Irrigation to sustain market garden and commercial nursery operations
3. Cover crop irrigation to permit certification of organic operations
4. Irrigation of perennial grass pastureland
5. Irrigation of public space for community events and athletic fields for teams still in season

C. Conservation, Infrastructure and Efficiency Fund ("CIEF")

Annual contributions shall be made to an account known as the Conservation, Infrastructure, and Efficiency Fund, or CIEF, by January 31 of each year, as follows:

1. The Cities, SVWSD, and SVC shall each contribute $20.00 per acre-foot of their average annual non-irrigation ground water diversions (based on a five-year rolling average of prior diversions).

2. The GGWD shall contribute $25.00 per acre-foot of its average annual irrigation ground water diversions (based on a five-year rolling average of prior diversions). This CIEF contribution shall be specifically earmarked for storage water acquisition.

3. The WD37B GWA shall contribute $20,000 to the CIEF. Of the $20,000 contribution, $10,000 will be designated specifically for cloud seeding operations.

4. In 2025, other non-irrigation ground water users who seek to participate in the Management Plan shall contribute $10.00 per acre-foot of their withdrawals (using a five-year rolling average of prior annual non-irrigation ground water diversions) to the CIEF. In 2026 and 2027, other non-irrigation ground water users who participate in the Management Plan via this provision, including those participating prior to 2026, shall contribute $25.00 per acre-foot of their withdrawals (using a five-year rolling average of prior annual non-irrigation ground water diversions) to the CIEF.

5. CIEF funds will be used primarily for infrastructure improvements and other permanent measures that improve the efficiency of delivering senior water rights, protect ground water levels, or increase surface water flows. Funds can also be used to purchase storage water.

6. CIEF funding decisions shall be approved by the CIEF Committee, which shall be comprised of an equal number of surface water right holders and ground water right holders in Water Districts 37 and 37B who are elected/appointed in accordance with CIEF Committee bylaws, plus one representative of the IWRB, and one representative from a Non-Government Organization ("NGO") within the Wood River basin.[7]

7. CIEF Funds will be collected, held, and administered by the Wood River Resource Conservation and Development Council ("WRRCDC"). The WRRCDC resolution accepting this responsibility is attached as Appendix G. The WRRCDC, in coordination with the CIEF Committee, may create separate accounts for projects, cloud seeding, and storage acquisition.

8. The CIEF Committee shall report on the following items to the BWRGWMA Advisory Committee, IDWR, and the IWRB by February 15 of each year: CIEF contributions and expenditures, CIEF Committee decisions, and the results of any actions taken by the CIEF Committee.

9. The CIEF Committee will investigate and engage in potential cost-share opportunities as appropriate, including without limitation:

    a. Potential State and Federal cost share.

    b. Potential cost share through grants with assistance from NGOs.

    c. Other cost share partners including water delivery entities, NGOs, etc.

[7] NGOs include the Wood River Land Trust, The Nature Conservancy, Trout Unlimited and Silver Creek Alliance.

D. Snake River Storage Delivery

Ground water users will contribute funds annually to the CIEF for the purpose of acquisition and delivery of storage water from the Snake River to the BWLWWUA. Storage water from the Snake River will be delivered via the Milner-Gooding Canal and injected into 1) the Little Wood River for re-diversion from the Little Wood River by BWLWWUA members holding senior priority water rights from the Little Wood River, and 2) laterals within American Falls Reservoir District No. 2 for re-diversion by BWLWWUA members holding senior priority water rights from the Big Wood River. Delivery of this storage water will directly benefit holders of downstream senior surface water rights, thereby reducing some demand for delivery of available natural flow to fill downstream senior water rights. Any reduced demand for available natural flow downstream is intended to benefit holders of upstream senior surface water rights.

Before the end of April each year, the CIEF and representatives from BWLWWUA will review the water supply predictions for the watershed and consult BWCC managers regarding the potential season length of BWCC deliveries to gauge the potential need for storage water. Following the recommendations of BWLWWUA and the BWCC, no later than 15 calendar days after the "Date of Allocation"[8] on the Snake River system, the CIEF Committee shall secure a source for the potential storage water volume needed. The CIEF Committee and BWLWWUA shall continue to evaluate the need for storage water after the Date of Allocation. The CIEF shall purchase storage water from the secured source on an as-needed basis upon request from BWLWWUA representatives.

Storage water may be delivered during the irrigation season between May 1 and September 30, subject to Water District 01 (Snake River) storage water allocation procedures and available delivery capacity in the Milner-Gooding Canal. The amount of storage water delivery shall be as follows:

1. The amount of storage water delivery to the Little Wood River shall be up to 3,500 AF/yr (4,095 AF/yr total purchased with 17% conveyance loss) on an as-needed basis.

2. The amount of storage water delivery to the Big Wood River shall be up to 913 AF/yr (1,100 AF/yr. total with 17% conveyance loss) on an as-needed basis.

3. Purchased but unused storage water can be marketed after September 30. Proceeds of any unused storage water purchased through the CIEF that is marketed at the end of the irrigation season shall return to the CIEF.

4. Water District 37 shall report annual storage water deliveries. The report shall be delivered to the BWRGWMA Advisory Committee, IDWR, and IWRB by February 15 each year and shall show the amount of water delivered to each user and the delivery locations.

[8] The Date of Allocation typically occurs between late May and early July and represents the date when streamflow in the Snake River system is no longer sufficient to supply the demand and the use of supplies of storage water begins. On this date, suppliers of Snake River storage water will have high confidence regarding the water year and how much water is available for purchase.

E. Management Plant Flow Rates

An objective of the Management Plan is to maintain a 32 cfs four-day moving average flow rate from May 1 through September 30 at Station 10 on the Little Wood River near Richfield. (See *Map of Gage Station Locations* in Appendix C). This flow rate is intended to support delivery of senior surface water rights and promote both stream and aquifer health. The flow rate allows for consumptive use of ground water within the forecasted water supply tiers shown in Table 1, provided that the 32 cfs four-day moving average flow rate is met. The flow rate may be achieved by implementing the actions described in sections V.1.A and V.1.B above, and section V.2 below. If the flow rate is not met, additional consumptive use reductions beyond those identified in section V.2 or other management actions will be required. Management actions to support the flow rate may include:

- Fallowing to reduce ground water consumptive use based on the April 1 flow volume forecast at the Big Wood River gage station near Hailey ("Hailey") from April through September.

- Partial season self-curtailment of ground water consumptive use based on the April 1 and/or June 1 Hailey flow volume forecast.

- Partial season self-curtailment based on inadequate stream flows.

- Partial or full-season water right transfers to supplement inadequate stream flows.

- Partial or full-season non-diversion of in-priority surface water rights to supplement inadequate stream flows.

The four-day moving average flow rate at Station 10 may drop below 32 cfs in extremely dry years due to lack of natural water supply and other compounding factors outside the control of the ground water users. During these dry conditions, maintaining adequate stream flow is critical to prevent damage to the stream and injury to senior water rights. In such years, the management actions described in this Management Plan can be applied to achieve the 32 cfs flow rate at Station 10. If the management actions do not sustain the 32 cfs flow rate, all users agree to cooperate to minimize lasting environmental damage by keeping as much water in the stream as possible.

Flows below 32 cfs at Station 10, occurring after the implementation of the management actions set forth in this Management Plan, will prompt a review of the analytical tools used to predict allowable ground water consumption. This review may result in modifications to the tools and decision thresholds within the Management Plant to improve flow reliability in subsequent years.

Actions to consider after each year during the first three-year period to maintain the Management Plan flow rate may include:

- Additional early season consumptive use reductions.

- Changes in location or timing of partial season consumptive use reductions.

- Management changes in the use of upstream senior rights for short-term augmentation of flows at Station 10.

The GWDs will submit a year-end report to IDWR by February 15 summarizing actions taken to maintain the Management Plan flow rate. Water District 37 will annually report surface water and ground water deliveries as required by law.

F. Cloud Seeding

The Cities, SVWSD, and SVC will contribute $5.00/AF annually, based on their respective five-year rolling averages of annual non-irrigation ground water diversions, to support the Idaho Power Company cloud seeding projects that benefit the Big Wood River Basin. Of this contribution, $2.50/AF will fund annual cloud seeding operations, while the remaining $2.50/AF will support the development of additional cloud seeding infrastructure. These funds shall be paid to the WRRCDC.

2. Additional Management Actions in Dry Years

The BWRGWMA Advisory Committee, with support from IDWR, will review the forecasted flow volume (April-September) at Hailey as published by the Natural Resources Conservation Service (NRCS) and the Northwest River Forecast Center (NWRFC).[9] If the average of the NRCS and NWRFC forecasted flow volume at Hailey is above 210 KAF, the water supply is deemed adequate, and no additional management actions are necessary. In years where the forecasted flow volume is at or below 210 KAF, the GWDs will take additional management actions in accordance with the forecasted water supply tiers shown in Table 1.

Table 1: Forecast water supply tiers and additional management actions[10]

Irrigation Season Water Supply	Avg. of Apr-Sep Volume Forecasts (KAF)	Additional GWCU Reduction (AF) Based on April 1 Forecast
Wet	≥270 or <270 but ≥240 with ≥90KAF Magic Res carryover on Jan 1	
Adequate	≥210 but < "Wet"	
Dry	≥155 but <210	1,275
Very Dry	≥100 but <155	11,260
Extremely Dry	<100	17,016

Actions taken when the forecast is less than or equal to 210 KAF at Hailey include:

[9] The BWRGWMA Technical Working Group ("TWG") recommends using the mean of the NRCS SWSI and NWRFC published forecasts for decision-making in year 1 and until the WRWC model has been finalized. See "*Response to Request for Information from the BWRGWMA Advisory Committee – Prepared by the TWG, November 24, 2021*."

[10] This table omits a column titled "Status of Baseline Actions" as recommended by the Advisory Committee and included in the table attached to the Advisory Committee's letter to the Director dated October 30, 2024, as shown in Appendix F. The status of any baseline action in a wet irrigation season, or any other season, is adequately addressed in Section V.1. of this Management Plan.

A. Ground water Consumptive Use Reductions within GWDs

1. Using Table 1 forecasted water supply tiers as a guide, the GWDs will implement additional, incremental ground water consumptive use reductions. The GWCU reductions should be based on the average of NRCS and NWRFC April 1 forecasts at Hailey.

2. The GWDs shall annually report ground water-use reductions to IDWR by February 15. Reporting should be coordinated with and verified by the Water District 37 watermaster.

VI. TERM

The term of this Management Plan is three (3) years, from January 1, 2025, to December 31, 2027. It automatically expires on December 31, 2027.

VII. ADAPTIVE MANAGEMENT POLICIES

IDWR and the Parties agree to the following adaptive management policies:

- Additional management actions or measures, as determined by the Parties, may be implemented to augment the ability of the water users to meet the goals of the Management Plan. Such additional actions or measures shall not supplant the requirements of this Management Plan without the approval of IDWR.

- The Parties can discuss and mutually agree upon amendments to the Management Plan, subject to approval by IDWR. Approved amendments may be implemented from year to year during the three-year term of the Management Plan. For example, adjustments to the projected tiered ground water consumptive use reductions may be possible following the first season of additional data.

- The Management Plan may be extended beyond December 31, 2027, by written consent of all the Parties and with approval by IDWR.

VIII. OTHER ACTIONS

The Parties agree to the following actions and policies:

- Complete at least a prototype of the Water District 37 accounting model. (IDWR has begun this project.)

- Support the Camas Prairie Hydrologic Project. (The USGS has scheduled this project to be completed in early 2027.)

- Update calibration of the Wood River Valley Groundwater Flow Model (IDWR and the Wood River Valley Model Technical Advisory Committee have scheduled this project to be completed in 2026.)

- Develop and evaluate the April 1 Allotment ("A1A") Model for Consumptive Use Allotment Estimations to determine if it can be the basis for a longer-term management plan. (The BWRGWMA technical working group has begun this project.)

- Prepare a report evaluating the applicability of the Management Plan's 32 cfs four-day moving average flow rate from May 1 through September 30 at Station 10 on the Little Wood River near Richfield. (This project may be a collaboration among IDWR, Water District 37, the BWLWWUA, and the BWRGWMA technical working group.)

- Prepare a report evaluating a Management Plan flow rate for the combined Magic Reservoir inflow (comprised of the sum of flows at Camas Creek, Willow Creek, and Stanton Crossing gauges). (This project may be a collaboration among IDWR, Water District 37, the BWLWWUA, and the BWRGWMA technical working group.)

- Prepare a report on the effects of administering water rights consistent with Tim Luke's April 27, 2021, memo *Delivery of Water Rights in Water District 37 from the Big Wood and Little Wood Rivers having the BOR-AFRD2-BWCC Exchange Condition*. This report will enable the Advisory Committee and IDWR to assess the need for, and amount of, stream flow targets and Snake River storage water acquisition and deliveries as elements of a future management plan. (Water District 37 will take the lead role for this project.)

- Evaluate options for Water Districts 37 and 37B to report ground water diversions during the irrigation season. This may facilitate the use of pumping reductions as a management tool. (Water Districts 37, 37B, and South Valley Ground Water District may collaborate on this project.)

- Evaluate options for improving and increasing monitoring and reporting of surface water flow and diversions. This would include exploring options for improving existing monitoring sites, developing additional monitoring locations, and exploring technological advances in data collection and reporting, such as SCADA. This will allow for more "real time" adjustments to assist water users in making quicker management decisions. (The BWRGWMA technical working group envisions this project being part of the A1A project discussed above.)

- Explore options, including possible enforcement, for increasing participation by additional BWRGWMA water users in a longer-term management plan. (This project will likely be a collaboration among the Advisory Committee, IDWR, and Water Districts 37 and 37B.)

- The Parties agree to discuss with the USGS options to increase monitoring, calibration, and maintenance of stream gauges within Water Districts 37 & 37B, with a special emphasis placed on the Sportsman's gauge on Silver Creek.

- The Parties agree to petition IDWR and the Idaho Department of Fish and Game, as needed, to remove beaver dams and relocate beavers on Silver Creek and Little Wood River below Sportsman's Access gage on Silver Creek, and down to Station 10 and Station 54 gages on the Little Wood River.

- Investigate and evaluate the correlation between depth-to ground water and stream flows as a predictive tool, especially with respect to in-season flows and application to ground water season of use. (The BWRGWMA technical working group has begun this project.)

- The Parties support continued funding contributions to the CIEF from the IWRB.[11]

- The Parties agree to collaborate with IDWR, the United States Geological Survey, Water Districts 37 and 37B, the Wood River Collaborative, or other entities to share, maintain and improve ground water and surface water monitoring networks to supply accurate, representative data in support of existing or new hydrologic models or studies, and management of water resources within IDWR Administrative Basin 37.

IX. SAFE HARBOR

The Management Plan establishes "safe harbor" from curtailment to participating ground water users who, either individually or through a GWD or Association, implement their respective obligations as described in the Management Plan. See Idaho Code § 42-233b.

X. NON-PARTICIPANTS

Implementation of the Management Plan does not address the ground water pumping impacts of any ground water users who are not participating in the Management Plan individually or through a GWD or Association, nor does it protect non-participant ground water users from curtailment under any IDWR administrative process, except that IDWR does not generally curtail:

1. holders of ground water rights used for de minimis domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for de minimis stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(1); or

2. holders of non-consumptive ground water rights, including those rendered non-consumptive through mitigation approved by the IDWR and implemented by the water right holder; or

3. holders of water rights that authorize diversion of ground water when water is available for diversion under the original surface water source and priority date of the water right, including those rights mitigated by the non-use of a surface water right.

Because these types of ground water rights are not typically curtailed in any IDWR administrative process, the holders of such rights are not expected to participate in the Management Plan during the extended three-year term of the Management Plan.

XI. ADVISORY COMMITTEE AND TECHNICAL WORK GROUP

The BWRGWMA Advisory Committee shall continue to assist IDWR with the implementation of the Management Plan. The Advisory Committee should meet periodically to review the Management Plan goals and strategies and to ensure that the provisions of the plan are properly implemented. The Advisory Committee should frequently review the Management Plan and work with IDWR to update the

[11] On November 22, 2024, the IWRB adopted *Resolution to Make a Funding Commitment in the Matter of the BWRGWMA Management Plan – Conservation, Infrastructure and Efficiency Fund*. Resolution No. 56-2024. See Appendix H.

plan as needed. Advisory Committee meetings shall be adequately noticed, including on IDWR's website. Advisory Committee meetings will be open to the public and accommodate public comments.

The Advisory Committee and IDWR have relied on a technical work group to review and analyze information and to recommend solutions to technical issues. The Advisory Committee and IDWR may continue to rely on the existing technical work group or form ad hoc technical work groups as needed.

Minutes of any meeting of the Advisory Committee shall be provided to IDWR and posted to IDWR's website.

XII. REPORTING REQUIREMENTS SUMMARY

The following reports shall be completed by February 15 of each year, unless noted otherwise below:

1. The CIEF Committee shall report on the following items to the BWRGWMA Advisory Committee, IDWR, and the IWRB: CIEF contributions and expenditures, CIEF Committee decisions, and the results of any actions taken by the CIEF Committee.

2. The GWDs will submit a report to IDWR summarizing actions taken each year to maintain the 32 cfs Management Plan flow rate at Station 10 on the Little Wood River.

3. The GWDs shall annually report ground water-use reductions, when required, to IDWR. Reporting should be coordinated with and verified by the Water District 37 watermaster.

4. Water District 37 shall annually report the following:
    a. Storage water deliveries. The report shall be delivered to the BWRGWMA Advisory Committee, IDWR, and IWRB and shall show the amount of water delivered to each user and delivery locations.
    b. Surface water and ground water deliveries as required by law, including any storage water deliveries pursuant to Section V.1.D. of this Management Plan.
    c. Water Rights administration accomplished in support of the implementation of the Management Plan.

EXTENSION OF FINAL BIG WOOD RIVER GROUND WATER MANAGEMENT AREA MANAGEMENT PLAN

APPENDIX A

Order Designating the Big Wood River Ground Water Management Area & Management Policy
June 28, 1991

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF DESIGNATING THE BIG WOOD RIVER GROUND WATER MANAGEMENT AREA	ORDER

This matter having come before the Director of the Idaho Department of Water Resources as a result of concern over the relationship between ground water pumping and the flow of surface streams in the Big Wood River drainage, the Director Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. The Director of the Department of Water Resources has the responsibility to administer the use of ground water in the state of Idaho to protect prior rights and yet allow full economic development of the resource.

2. The surface and ground waters of the Big Wood River drainage are interconnected. Diversion of ground water from wells can deplete the surface water flow in streams and rivers. New ground water uses can also deplete available supplies for other users and affect basin underflow which presently accumulates in the Magic Reservoir.

3. There are a number of Applications for Permit to Appropriate Water pending before the department which propose additional consumptive uses of ground water within the Big Wood River drainage.

4. Injury could occur to prior surface and ground water rights including the storage right in Magic Reservoir if the flows of streams, rivers and ground water underflow in the Big Wood River Basin are intercepted by junior priority ground water diversions.

CONCLUSIONS OF LAW

1. Section 42-226, Idaho Code, declares all ground waters to be the property of the state, whose duty it is to supervise the appropriation and allotment of the same. One of the goals is to assure that early appropriations of ground water are protected in the maintenance of reasonable ground water pumping levels.

2. In order to determine whether withdrawals from the existing and proposed wells will have an adverse impact on prior water rights diverted from surface water and/or ground water, the

construction and use of additional wells in the area must be monitored and controlled.

3. Section 42-233b, Idaho Code, authorizes the Director of the Idaho Department of Water Resources to designate "ground water management areas" to allow increased management of the ground water resources.

4. The director of the department of water resources should designate a ground water management area for a portion of the Big Wood River basin upstream from Magic Reservoir and from which ground water pumping can have an effect on flows of streams and rivers in the basin.

ORDER

NOW, THEREFORE IT IS HEREBY ORDERED that the following described area be included within and designated as the "Big Wood River Ground Water Management Area" pursuant to the provisions of Section 42-233b, Idaho Code:

> Beginning at Magic Dam on Big Wood River and continuing eastward approximately one mile to the drainage divide at Rattlesnake Butte, which separates tributaries of the Big Wood River above Magic Dam from those below the dam, thence northward approximately three miles and eastward approximately fourteen miles along the divide to a point where the divide crosses the north-south section line common to sections 28, 29, 32 and 33, T1S, R20E,BM, which is near the NE corner of Section 32, T1S, R20E,BM., thence east approximately five miles to the divide separating Silver Creek tributaries from the upper Little Wood River basin, thence continuing in a counterclockwise direction along the entire topographic boundary of the upper Silver Creek and Big Wood River basins, including Camas Creek returning to the point of beginning at Magic Dam.

Attached to this order is a map identified as Attachment 1. which graphically shows the boundaries of the management area.

DATED this 28TH day of JUNE, 1991.

R. KEITH HIGGINSON
Director

MANAGEMENT POLICY

FOR

THE BIG WOOD RIVER GROUND WATER MANAGEMENT AREA

I. GENERAL

A. Introduction

The Big Wood River drainage basin is located in southcentral Idaho within Blaine, Camas, Lincoln and Gooding Counties. In the approximate center of this basin is Magic Reservoir with a water storage capacity of 191,000 acre feet. This reservoir generally divides the basin into two distinct areas. The area upstream from the reservoir is herein referred to as the upper Big Wood River Basin.

The headwaters of Silver Creek are located east of the Big Wood River in the Bellevue Triangle. Silver Creek provides water to users who divert from the creek and from the Little Wood River to which it is tributary.

The upper Big Wood River Basin (including Silver Creek), particularly in Blaine County, is an area of continued economic growth and development. Water resource development to support some of this growth has occurred through transfers of existing water rights and new water appropriations.

B. Geohydrologic Characteristics of the Big Wood River Basin

The surface and ground water system in the upper Big Wood River Basin is interconnected. Diversion and use of water from a tributary stream or well will impact the total water supply available in the system. Downstream from Magic Reservoir, the river and ground water system are not as directly connected and there are other sources of water supply including canals bringing water from the Snake River and the Snake Plain ground water system. Magic Reservoir collects much of the water which moves through the upper Big Wood River Basin and which is not diverted and used upstream from that point. Except during periods of high runoff when Magic Reservoir fills and spills, the available water supply, both surface and ground water, upstream from Magic Reservoir is fully appropriated. Camas Creek and the Big Wood River are the major surface water tributaries upstream from Magic Reservoir.

Silver Creek is fed by numerous springs whose flows depend partly on percolating seepage resulting from Big Wood River irrigation diversion and use upstream in the Bellevue area. Ground water inflow contributes to the surface flow of Silver Creek and its tributaries from the headwaters to

a point approximately two miles upstream of Picabo, where Silver Creek ceases to be a gaining stream.

Diversions of ground water in the Bellevue Triangle, and generally in locations hydrologically upstream from Picabo, will deplete the surface flow of Silver Creek. Prior water right holders who divert from the Little Wood River also depend on surface water flow from Silver Creek. Depletion of Silver Creek flow will injure these earlier-in-time right holders. Many of the Little Wood River right holders also receive storage water from Magic Reservoir.

C. Present and Proposed Uses

Approximately 73 applications for permit to appropriate ground water upstream from Magic Reservoir and in the upper Silver Creek area are pending before the Department of Water Resources. Protests have been filed with the department against some of these applications. Complaints have also been lodged that continued granting of permits to develop new ground water uses in the upper Big Wood River Basin is interfering with prior surface water rights.

D. Recent Declines

The water years 1987 to the present have been below average within the basin. As a result, Magic Reservoir has not filled to its capacity within that time period. It has been suggested that this has been caused, in part, by the diversion of water within the basin under water rights with priority dates later in time than the Magic Reservoir rights.

Many natural flow rights have been cut off because of insufficient surface water flows. Since the water supply of the basin is finite, any withdrawal and consumption of water which would otherwise contribute water to a surface water source, when the source is fully appropriated, will injure another water user.

Various estimates have been made of the quantity of water within the basin. The studies have not all agreed on the total quantity of water but all have generally agreed that the surface and ground waters of the area are interconnected and that withdrawal and use of water from either source will impact the total supply.

E. Past Department Designation

In 1980, the Director of the Department of Water Resources issued a policy memorandum by which he declared that the surface water of the Big Wood River upstream from Magic Reservoir was fully appropriated. Since that date, no new permits for consumptive purposes have been issued for the use of the river or any of its tributaries. The department has continued, however, to issue permits for the use of ground water within the watershed. It now appears

that this policy must be changed with respect to new consumptive uses of ground water.

II. STATUTORY REQUIREMENTS AND AUTHORITIES

A. Section 42-226, Idaho Code, declares all ground water to be the property of the state, and charges the state with supervising the appropriation and allotment of the same. One of the purposes of this is to assure that early appropriators of ground water are protected in the maintenance of reasonable ground water pumping levels.

B. Section 42-233b., Idaho Code, authorizes the Director of the Department of Water Resources to designate a "Ground water Management Area" when the water supply in the area may be approaching conditions which could lead to designation as a critical ground water area.

C. Section 42-237 a.g., Idaho Code, empowers the Director to prohibit or limit the withdrawal of water from any well during the period that he determines that water to fill any water right is not available.

D. Policy 1F of the State Water Plan adopted by the Idaho Water Resource Board provides that "It is the policy of Idaho that where evidence of hydrologic connection exists between ground and surface water, they be managed as a single resource."

III. MANAGEMENT POLICY

Management policies which could be used in connection with future use of water in the upper Big Wood River Basin include the designation of all or a portion of the drainage as a groundwater management area, a critical ground water area or to issue a moratorium on additional permits for development.

The designation of a ground water management area for the upper Big Wood River Basin is the preferred management policy. Under this policy, additional approvals of ground water for consumptive uses can be granted upon a showing by an applicant and a determination by the department that the water supply is adequate and other water rights will not be injured. After the water rights of the basin are determined in the Snake River Basin Adjudication, and a method for the co-regulation of surface and ground water rights has been determined, the Director may require record keeping and reporting and may also issue orders if needed to reduce or stop ground water diversions.

This management policy allows the processing of all pending filings. Most consumptive use applications will be denied unless the applicants can demonstrate there will be no injury or can provide acceptable mitigation to prior rights.

The department will continue to consider the approval of applications for permit which propose non-consumptive uses, municipal uses, stockwater and domestic uses as defined in Section 42-111, Idaho Code. Domestic uses meeting the definition of Section 42-111, Idaho Code, are not subject to the application for permit filing requirements of Section 42-229, Idaho Code.

Section 42-111, Idaho Code, defines "domestic uses" as

A. The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or

B. Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

For purposes of this management policy, applications for ground water permits seeking water for multiple ownership subdivisions or mobile home parks will be considered provided each unit satisfies the definition for the exception of need to file an application for permit as described above.

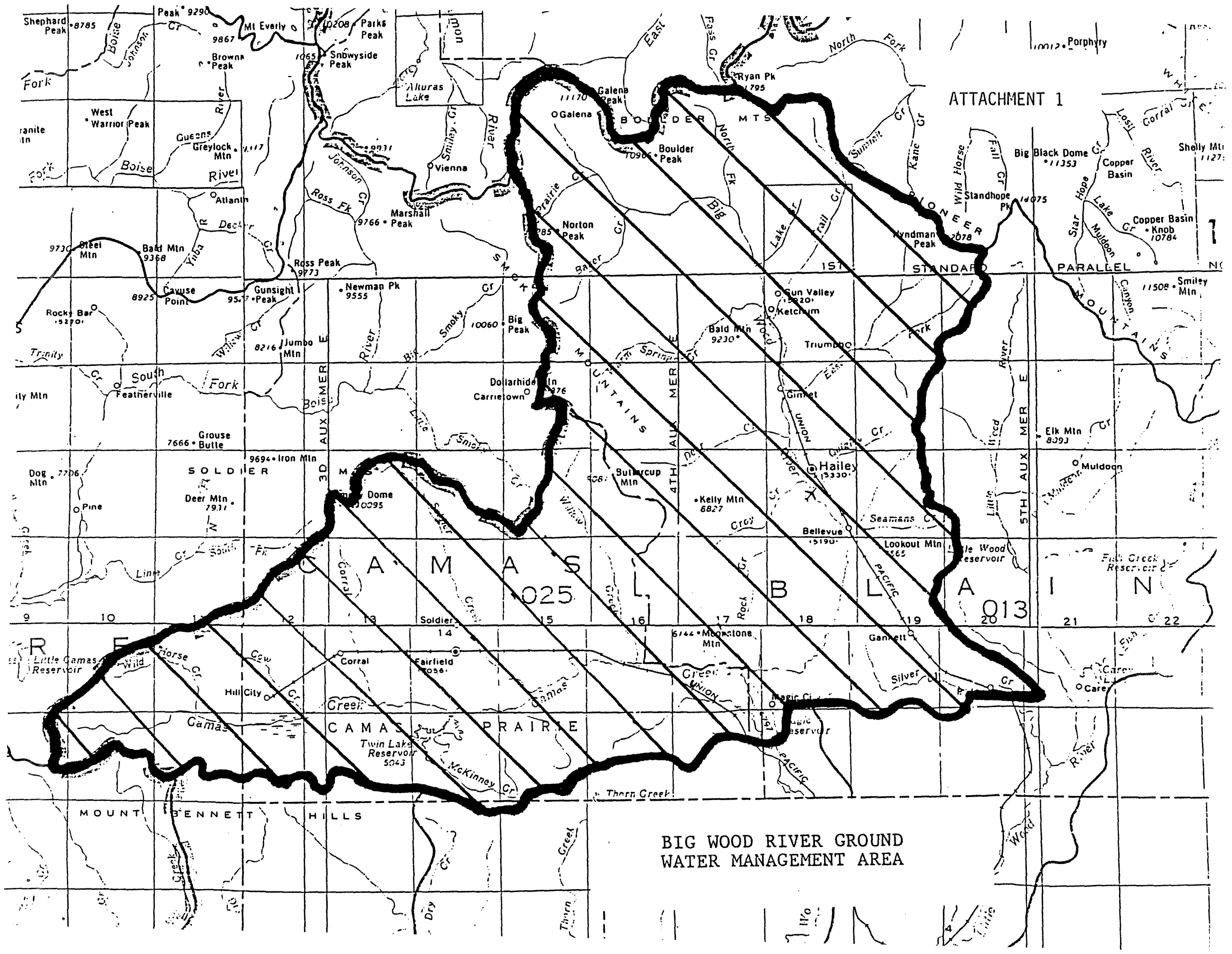
While an incorporated city has wide latitude under state law to beneficially use its water rights for municipal purposes, any new large consumptive use within the municipal limits, such as irrigation of lands not associated with a dwelling, or irrigation of more than one-half acre associated with a dwelling, must be mitigated by the municipality.

The department will continue to accept and process new applications for permit and applications seeking amendment or transfer of existing water rights. Applications for amendment or applications for transfer which propose a change in the point of diversion from outside the ground water management area to within the area which would directly or indirectly result in the irrigation of new land will be treated as a proposed new appropriation of water.

Dated this 28TH day of JUNE, 1991.

R. KEITH HIGGINSON
Director

ATTACHMENT 1



BIG WOOD RIVER GROUND WATER MANAGEMENT AREA

EXTENSION OF FINAL BIG WOOD RIVER GROUND WATER MANAGEMENT AREA MANAGEMENT PLAN

APPENDIX B

Amended Order Establishing Moratorium in the Matter of the Big Wood River Ground Water Management Area

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE BIG WOOD RIVER GROUND WATER MANAGEMENT AREA	**AMENDED ORDER ESTABLISHING MORATORIUM**

PROCEDURAL HISTORY

On May 17, 2022, Deputy Director Mat Weaver, while serving as acting director of the Idaho Department of Water Resources ("Department"), issued the *Order Establishing Moratorium for the Big Wood River Ground Water Management Area* ("*Big Wood Moratorium*"). The order established a moratorium on the processing and approval of new and pending applications for permits to appropriate water from surface and ground water sources within the Big Wood River Ground Water Management Area ("BWRGWMA"). *Big Wood Moratorium*, at 7.

On October 21, 2022, Director Gary Spackman issued the *Amended Snake River Basin Moratorium Order* ("*Snake Moratorium*"). The order established a moratorium on the processing and approval of new and pending applications for permits to appropriate water from the Snake River upstream from Swan Falls Dam and all surface and ground water sources in the trust water area and the non-trust water area, subject to certain conditions. *Snake Moratorium*, at 27.

Several affected water users filed petitions challenging the two moratoriums. The petitions initiated contested case proceedings. The parties engaged in several joint, informal settlement conferences but did not reach a resolution.

Director Spackman held a joint prehearing conference on March 10, 2023. During the joint prehearing conference, the parties agreed that language found in both moratorium orders presents a common issue. Both orders state: "Applications for municipal water use and for domestic use from community water systems shall be considered fully consumptive." *Big Wood Moratorium*, at 8; *Snake Moratorium*, at 29. This issue is referred to as the "Fully Consumptive Issue" in this order.

In addition, Director Spackman agreed to hear the City of Bellevue's issue regarding "[w]hether all pumping in the BWRGWMA has an impact on all surface water sources upstream from Magic Reservoir, including Silver Creek." *Bellevue's List of Issues for Hr'g* ¶ 1. This issue is referred to as the "Bellevue Issue" in this order.

Director Spackman noted his intention to consolidate the contested proceedings, with the understanding that each issue would be taken up consecutively. The parties did not object. Therefore, on March 31, 2023, the Director consolidated the contested proceedings for the *Big Wood Moratorium* and *Snake Moratorium* matters for hearing pursuant to IDAPA 37.01.01.555.

On August 30, 2023, certain Municipal Providers moved for partial summary judgment on the Fully Consumptive Issue. The Surface Water Coalition, South Valley Ground Water District, Galena Ground Water District, Big Wood and Little Wood Water Users Association, and Big Wood Canal Company opposed the motion.

On August 31, 2023, Director Spackman retired. Governor Little appointed Deputy Director Weaver to succeed Director Spackman as director. Director Weaver assumed the position on September 1, 2023.

On October 12, 2023, Director Weaver denied the Municipal Providers' partial summary judgment motion and clarified the Fully Consumptive Issue:

> [T]he issue for hearing is whether the Director's adoption of a policy to treat municipal and domestic uses as fully consumptive, given their potential to be fully consumptive, is appropriate. . . . The Director intends to receive and consider the evidence presented in support of and in opposition to amending the moratorium orders. The parties should expect the hearing to be an opportunity to persuade the Director to amend or retain the policy consideration that all new applications for municipal and domestic uses from community water systems shall be considered fully consumptive.

Order Denying Motion for Partial Summ. J., at 6.

On October 16–19, 2023, Director Weaver held a hearing on the Fully Consumptive Issue and the Bellevue Issue. The Director heard testimony and admitted exhibits in support of and in opposition to both issues. At the conclusion of the hearing, the Director authorized the parties to submit simultaneous post-hearing briefs for each issue no later than close of business November 17, 2023. The parties timely submitted their closing briefs, and the Director took the matter under advisement.

ISSUES AT HEARING

In this section, the Director reviews the issues raised at the hearing and explains the Director's response to each issue.

1. The Bellevue Issue

The *Big Wood Moratorium* included the following paragraph:

> Hydrogeologic analysis and modeling since implementation of the Management Policy confirm significant interaction between surface water and ground water in the BWRGWMA. Pumping ground water from within the BWRGWMA affects surface water flows in the Big Wood River drainage upstream from Magic Reservoir and in Silver Creek, a key tributary of the Little Wood River. Lower ground water levels would result in less aquifer discharge to surface water. New development of consumptive ground water use would reduce the quantity of water available to fill senior surface water rights during times when administration by priority is necessary.

Big Wood Moratorium, at 3.

The cities of Bellevue and Hailey disagree with the statements in this paragraph regarding the hydrological impacts that pumping ground water from within the BWRGWMA has on Silver

Creek. The cities of Bellevue and Hailey submitted proposed alterations to this language prior to the hearing. At hearing, the cities submitted the expert report of Gregory K. Sullivan that included a proposed alteration.[1] Mr. Sullivan testified about his proposed alteration at hearing. In their closing brief, the cities proposed a different alteration.[2]

The language proposed by Mr. Sullivan in his expert report was the language upon which the opposing entities sought rebuttal experts and upon which they relied as the proposed altered language to develop their evidence in opposition at hearing. In their closing brief, Bellevue and Hailey appear to have abandoned Mr. Sullivan's proposed language in favor of advancing new proposed language. As the Director ordered closing briefs to be submitted simultaneously, none of the entities in opposition have had the opportunity to respond to Bellevue and Hailey's new proposed language. Regardless, the Director finds that the evidence presented at the hearing supports the language of this paragraph as written, particularly the testimony of Jennifer Sukow, IDWR Engineer Technical 2.

In separate proceeding in 2021, Ms. Sukow prepared a memo regarding the "predicted hydrologic response in Silver Creek and the Little Wood River to a potential curtailment of groundwater use during the 2021 irrigation season." Hr'g Tr. Vol. III 628:11–14. *See* Ex. 202 (Jennifer Sukow Response to Request for Staff Memo Corrected) [hereinafter 2021 Sukow Report]. In the 2021 Sukow Report, Ms. Sukow "analyzed impacts of curtailment of pumping within WRV1.1[3] model boundary." Hr'g Tr. Vol. III 629:7–8. Ms. Sukow "also analyzed impacts of curtailment within a smaller boundary, which included almost all of the area south of Glendale Bridge." *Id.* at 628:8–11. At hearing, Ms. Sukow testified that the results discussed in the 2021 Sukow Report were "limited to the results for the July 1 through September 30th impacts that were predicted to occur during 2021. So it's not applicable outside of that time frame." Hr'g Tr. Vol. III 631:10–13.

---

[1] Mr. Sullivan's expert report proposed adding the following additional remark to the language at issue:

> Silver Creek is materially impacted only by groundwater pumping within the Bellevue Triangle south of the Glendale Bridge. Absent offsets or mitigation, groundwater pumping from the alluvial aquifer of the Big Wood River and its tributaries north of the Glendale Bridge materially impacts the flow of the Big Wood River, and has no material impact on the flow of Silver Creek.

Ex. 314, at 4.

[2]The Cities of Bellevue and Hailey's post hearing brief requests the relevant language be modified as follows:

> Hydrogeologic analysis and modeling looking at long-term impacts since implementation of the Management Policy confirm significant interaction between surface water and ground water in the BWRGWMA. Pumping ground water every year, year in and year out, from within the BWRGWMA affects surface water flows in the Big Wood River drainage upstream from Magic Reservoir and in Silver Creek, a key tributary of the Little Wood River. The timing of impacts to Silver Creek of any pumping above Glendale Bridge would fluctuate seasonally. New development of consumptive ground water use would reduce the quantity of water available to fill senior surface water rights during certain times when administration by priority is necessary.

Bellevue/Hailey Post Hr'g Br., at 3 (emphasis in original).

[3] "WRV1.1 model boundary" refers to the Wood River Valley, Version 1.1 model boundary.

Despite this limitation, Mr. Sullivan relied upon select statements in the 2021 Sukow Report to develop his expert opinion in this matter. Ex. 314, at 3. In part, Mr. Sullivan's report concluded that "[t]he foregoing statements make it clear that pumping north of the Glendale Bridge results in insignificant hydraulic impact on the flow of Silver Creek." Hr'g Tr. Vol. III 636:19–22. At hearing, Ms. Sukow testified that she disagreed with Mr. Sullivan's conclusion because the statements he selected from the 2021 Sukow Report "were specific to that July 1 to September 30th curtailment scenario. And they were also looking at, you know, what was significant just within that time frame to get waters to the seniors by September 30th of that year." *Id.* at 637:1–5.

Ms. Sukow testified that when she analyzed the long-term impact of pumping outside of the 2021 curtailment area to Silver Creek streamflow, "[t]he average impact for the areas outside of the curtailment area, which is primarily the area north of Glendale Bridge, was eight percent of the consumptive use that was modeled in that area." *Id.* at 635:9–12. In other words, "for all the locations that have been pumped at historically, if they had not been pumping eight percent of that, approximately eight percent of that volume would have gone to Silver Creek." *Id.* at 635:17–21.

Ms. Sukow explained that the eight percent average impact was direct impacts (i.e., "impacts to the aquifer that would lower water levels, and then directly impact flow in Silver Creek over a period of a few years."). *Id.* at 637:21–23. Ms. Sukow testified that she also noted the indirect impacts to Silver Creek above and beyond the eight percent direct impacts

> that are indirect in that there is direct impacts to the flow in the Big Wood River, and that reduces the availability of surface water diversions to irrigators that divert out of the Big Wood River onto Bellevue Triangle, and, you know, there are canal seepage losses and other losses to the groundwater that occur from that surface water. So if that surface water is not available, that reduces aquifer recharge, reduces water levels, and then reduces flow to Silver Creek.

Hr'g Tr. Vol. III 637:25–638:9.

Ms. Sukow further testified that she disagreed with Mr. Sullivan that the proposed language from his expert report should be added to the moratorium order. Ms. Sukow explained:

> I think, you know, review of the longer term modeling shows that it's the statement, the statements that he's making are not true. That analysis shows that there is a relevant or significant impact to streamflow in Silver Creek. There is a direct impact that's relevant for the area, for pumping in the area north of Glendale Bridge as a whole, and then, you know, specific locations with that area may have more or less impact.

Hr'g Tr. Vol. III 639:11–18.

Ms. Sukow's testimony that groundwater pumping from the alluvial aquifer north of Glendale Bridge has an impact on streamflow in Silver Creek was supported by David Shaw and Erick Powell's testimonies. Hr'g Tr. Vol. II 596:4–604:10 (Shaw Testimony); Hr'g Tr. Vol. III 685:20–697:13 (Powell Testimony).

In addition, when testifying in rebuttal, Mr. Sullivan confirmed Ms. Sukow's analysis that the long-term impact to Silver Creek of curtailment upstream of the Glendale Bridge would be about 8 percent of the volume curtailed. Hr'g Tr. Vol. III 708:5–21. Mr. Sullivan also noted that the impact to Silver Creek during irrigation season months would be about 4 percent of the curtailed pumping. *Id.*

Again, the Director finds that the evidence presented at the hearing supports the language of the paragraph at issue as written. Therefore, the Director declines to modify or expand the relevant language.

2. Fully Consumptive Issue

The *Big Wood Moratorium* included the following statement: "Applications for municipal water use and for domestic use from community water systems shall be considered fully consumptive." In the *Big Wood Moratorium*, the Director recognized the unique nature of municipal water rights under Idaho law:

> Idaho courts have acknowledged that a water right for municipal purposes may be fully consumed without exceeding the authorized beneficial use.
>
> > The nature of the beneficial use of a municipal right is such that the right can be fully consumed without engaging in waste or violating a beneficial use duty of water . . . . The nature of the purpose of use of a municipal right is such that the right can be fully consumed without violating a beneficial use duty of water and without exceeding the authorized scope of the water right.
>
> Mem. Decision & Order at 10, *Riverside Irr. Dist. v. Idaho Dep't of Water Res.*, No. CV14-21-05008 (Canyon Cnty. Dist. Ct. Idaho Dec. 28, 2021).

Big Wood Moratorium, at 6. The Director also discussed the potential for municipal and domestic uses to become fully consumptive in practice rather than simply theoretically or as is legally permissible.

> When community systems supply water for outside use, the water used for irrigation of lawns and landscaping is largely consumed, while the indoor water use is largely nonconsumptive. Separately quantifying the amount of water used outside and the amount of water used inside is usually difficult and is typically only estimated. Furthermore, a community system often discharges its unconsumed water into a municipal sewer treatment facility operated by a municipality. Sewage disposal methods may include evaporation from the retention facility, land application, or treatment and re-use. Mingling sewage from a community system into a municipal sewage facility may render the community use fully consumptive.
>
> There is little or no additional water in the BWRGWMA for new consumptive uses. Any new water right for municipal purposes has the potential to be fully

> consumptive, either immediately or as the city grows over time. Because the entirety of the municipal use may become consumptive over time, the Director should not continue the 1991 policy allowing a municipal provider to appropriate water for municipal purposes by applying for a water right permit without mitigation. The same is true for new community water systems. Community water systems that include irrigation are consumptive, and even those that do not include irrigation may be rendered fully consumptive through consumptive wastewater disposal processes. Continuing to issue new municipal water rights and new water rights for community water systems within the BWRGWMA without mitigation would reduce the quantity of water available to supply existing water rights. It is appropriate for the Director to suspend further action on applications to appropriate water for all municipal and community water systems given the variability in consumptive use.

Id. Consistent with the foregoing, the Director ordered in relevant part:

> Applications for municipal water use and for domestic use from community water systems shall be considered fully consumptive. Applications for domestic purposes from non-community water systems shall be evaluated on a case-by-case basis to determine whether the proposed use is non-consumptive. Irrigation proposed in connection with a domestic use will be considered consumptive, as will discharge of wastewater to a municipal or regional sewer system.

Id. at 8.

Because the Director concluded municipal and domestic uses "may be rendered fully consumptive," the Director adopted a policy in the *Big Wood Moratorium* that municipal and domestic uses "shall be considered fully consumptive" for purposes of future applications. As the Department's Eastern Regional Manager, James Cefalo, explained at his deposition, part of the rationale for the policy is that "it would be very difficult . . . to track the consumptive fraction of water uses for municipalities or even subdivisions throughout the state." *Bricker Aff.* Ex. 1, Cefalo Depo. Tr. 71:22–72:3. Mr. Cefalo also noted the policy addresses the Department's enforcement concerns should a municipality or subdivision, for example, change their effluent treatment method from a mostly nonconsumptive treatment to a mostly consumptive treatment:

> If you have a subdivision that says, well, our drinking -- this is our drinking water so we're going to consider it mostly nonconsumptive, and we are recharging it through a rapid infiltration. And then all of a sudden that is not a viable option anymore and they have to land apply it and go to a mostly consumptive treatment, the department really has no enforcement ability to curtail that water use. Right? Because then you have a public health emergency. We can't shut people's drinking water off without creating problems.

Id. at 72:12–23. Mr. Cefalo continued:

> I would say that our enforcement options become quite limited when we're starting to deal with drinking water for subdivisions that are already in existence, right? All of these homes have been built, all these people are drinking and using that water in their homes every day, it becomes very difficult to then say, well, your mitigation is–you have not mitigated for now this consumptive use because you're land applying, but we don't really have the power to shut off your drinking water.

Id. at 73:1–10. In light of these challenges, the Director adopted the fully consumptive policy for future applications for municipal and domestic uses. *See Big Wood Moratorium*, at 6.

As explained in the *Order Denying Motion for Partial Summary Judgment*, the issue at hearing was not whether municipal and domestic uses are fully consumptive but rather whether it was an appropriate policy for the Department to consider municipal and domestic uses to be fully consumptive, given their potential to be fully consumptive. *Ord. Denying Mot. for Partial Summ. J.*, at 3–4.

In opposition to the fully consumptive policy, the Municipal Providers argue in their post-hearing brief that "the evidence presented at the hearing overwhelmingly showed that (a) municipal water use rarely (if ever) is fully consumptive, and (b) the Department can condition and administer new municipal water rights to ensure depletions are fully mitigated." *Mun. Providers' Post-Hr'g Br.,* at 2. The Municipal Providers offer several suggestions for how the Department could condition a water right as an alternative to the fully consumptive policy. Ultimately, however, the Municipal Providers request the language concerning municipal water use be amended to provide as follows: "Applications for municipal water use and for domestic use shall be evaluated on a case-by-case basis to determine whether the proposed use, or some portion thereof, is non-consumptive." *Id.* at 14.

In opposition to the proposal that the Department could condition permits rather than assuming consumptive use, the Surface Water Coalition argues in its post-hearing brief that additional conditions are inappropriate. *SWC Post-Hr'g Br.*, at 8–9. In support of its position, SWC offers four arguments, which are based on the hearing testimony of Mr. Cefalo:

> First, IDWR does not have the ability to change the material terms of a water right based upon its conditions. Second, the burden on IDWR from water rights processing is already great and would increase with additional conditions placed on water rights that would need subsequent approval and enforcement. Third, any change to a permit would require public notice, which would likely lead to protests, hearings, appeals, and complicated and burdensome legal challenges that are expensive and time consuming for IDWR. Fourth, new applicants and permit holders already do not always comply with IDWR conditions and enforcement of existing decrees, permits, and licenses is difficult. Currently IDWR does not have the ability to properly monitor and enforce heavily conditioned municipal water rights.

Id. The SWC requests the Director maintain the fully consumptive policy.

Based on the evidence and arguments presented in support of and in opposition to the fully consumptive policy, the Director finds it is necessary and appropriate to adopt an amended fully consumptive policy. As detailed in the fourth paragraph in the Order below, the Director will presume new municipal and domestic uses to be fully consumptive but will allow an applicant to submit evidence to rebut the presumption.

3. Other Issues

At the hearing, Department Eastern Regional Manager James Cefalo explained that some water users had raised concerns regarding certain definitions in the moratorium orders. Hr'g Tr. Vol. I 35–38. Mr. Cefalo agreed that the reference to "municipal water use" in the orders should be changed to "municipal purposes." He also agreed that the term "community water system" should be defined. He also suggested that references to "noncommunity water system" should be changed. The Director agrees that these changes should be made and will make changes to address these concerns.

4. Amended Final Order

The Director has considered the record before the Department including the testimony of the witnesses, the exhibits admitted at hearing, and the arguments of counsel. The Director agrees that certain changes to the original order are necessary. The following findings of fact and conclusions of law are mostly verbatim from the original order, with the modifications discussed above. Based on the foregoing, the Director hereby finds and concludes as follows.

BACKGROUND AND FINDINGS OF FACT

Since January 22, 1980, the Department has viewed surface water in the Big Wood River and tributaries upstream from Magic Dam to be fully appropriated.[4] Consequently, since 1980 the Department has not approved applications to appropriate surface water for unmitigated consumptive uses from the Big Wood River and tributaries upstream from Magic Dam. For decades, surface water rights in this area have been organized into water districts and administered by priority. Currently, the watermasters of Water District 37 (Big Wood River, Little Wood River, and Silver Creek and their tributaries) and Water District 37B (Camas Creek and its tributaries) address water supply shortages by curtailing junior surface water rights to satisfy senior surface water rights. Administration of surface water deliveries by priority occurs in WD37 and WD37B every year.

On June 28, 1991, the Department issued an order designating the BWRGWMA ("*Designation Order*").[5] The BWRGWMA includes that portion of the Big Wood River drainage upstream from Magic Dam, including the Camas Prairie aquifer system. The BWRGWMA also

[4] *See* Memorandum from C. Stephen Allred, Director, Idaho Dep't of Water Res., to Staff (Jan. 22, 1980) (Re: Big Wood River Appropriations), https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/guidance/Application-Processing-Memo-20.pdf.

[5] *See Order*, *In re Designating Big Wood River Ground Water Mgmt. Area* (Idaho Dep't of Water Res. June 28, 1991), https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/orders/1991/19910628-Big-Wood-River-GWMA-Order.pdf.

includes the upper Silver Creek drainage in the vicinity of Picabo, Idaho. A map of the geographical area of the BWRGWMA is attached to this order as Appendix 1. The *Designation Order* states the need for management of ground water use in the BWRGWMA in the following two Findings of Fact:

> 1. The surface and ground waters of the Big Wood River drainage are interconnected. Diversion of ground water from wells can deplete the surface water flow in streams and rivers. New ground water uses can also deplete available supplies for other users and affect basin underflow which presently accumulates in the Magic Reservoir.
> . . . .
> 4. Injury could occur to prior surface and ground water rights including the storage right in Magic Reservoir if the flows of streams, rivers and ground water underflow in the Big Wood River Basin are intercepted by junior priority ground water diversions.

Designation Order, at 1 (Findings of Fact).

To address the potential for injury to prior surface and ground water rights from ground water pumping, the Department adopted a management policy for the BWRGWMA ("Management Policy").[6] The Management Policy includes the following directives:

> Most consumptive use applications will be denied unless the applicants can demonstrate there will be no injury or can provide acceptable mitigation to prior rights.
>
> The department will continue to consider the approval of applications for permit which propose non-consumptive uses, municipal uses, stockwater and domestic uses as defined in Section 42-111, Idaho Code.

Management Policy § III, at 3–4.

In accordance with the Management Policy, since 1991, the Department has restricted the issuance of permits for new unmitigated consumptive uses of ground water within the BWRGWMA.

In 1993, the Department established a moratorium on new appropriations of surface and ground water in an area that includes Administrative Basin 37, where the BWRGWMA is located ("*ESPA Moratorium*").[7] However, paragraph 8 of the order section of the *ESPA*

---

[6] *See* Idaho Dep't of Water Res., *Management Policy for the Big Wood River Ground Water Management Area* (June 28, 1991), https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/orders/1991/19910628-Big-Wood-River-GWMA-Order.pdf.

[7] *See* Am. Moratorium Order, *In re Applications for Permits for Diversion & Use of Surface & Ground Water within E. Snake River Plain Area & Boise River Drainage Area* (Idaho Dep't of Water Res. April 30, 1993), https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/orders/1993/19930430-Moratorium-ESA.pdf.

Moratorium states that it "does not change or affect the administration of any area that has been previously designated as . . . a ground water management area pursuant to Section 42-233b, Idaho Code." For the BWRGWMA, the effect of the *ESPA Moratorium* was to limit the development of new consumptive surface water and ground water rights in the portion of the BWRGWMA not limited in 1980 (i.e., the Silver Creek drainage in the vicinity of Picabo).

Since 1991, conditions creating the need to restrict new appropriations of water within the BWRGWMA have not substantially changed. Ongoing monitoring of ground water levels suggests that the 1991 Management Policy restricting new unmitigated consumptive uses of ground water has attenuated the significant long-term downward trends in ground water levels observed during the period of increasing ground water development between the 1950s and 1990.[8] While consumptive use of ground water authorized by water rights developed prior to the 1991 Management Policy continues to exacerbate short-term water level declines during dry years, the restriction on new ground water development appears to have allowed ground water levels to recover during wet years to levels similar to those observed in the early 1990s. If new development of consumptive ground water use is allowed to resume, long-term ground water declines are also expected to resume, resulting in less recovery during wet years and even lower ground water levels in dry years.

Watermasters administer surface water rights by priority every year in the Big Wood River, Little Wood River, and Camas Creek drainages. Surface water in the Big Wood River, Little Wood River, Silver Creek, and Camas Creek is not sufficient to satisfy existing water rights. Consequently, there is little or no additional water for most new consumptive uses.

Hydrogeologic analysis and modeling since implementation of the Management Policy confirm significant interaction between surface water and ground water in the BWRGWMA.[9] Pumping ground water from within the BWRGWMA affects surface water flows in the Big Wood River drainage upstream from Magic Reservoir and in Silver Creek, a key tributary of the Little Wood River.[10] Lower ground water levels would result in less aquifer discharge to surface water. New development of consumptive ground water use would reduce the quantity of water available to fill senior surface water rights during times when administration by priority is necessary.

---

[8] Allan Wylie, Idaho Dep't of Water Res., *Summary of Ground Water Conditions in the Big Wood River Ground Water Management Area* 79 (2019), https://idwr.idaho.gov/wp-content/uploads/sites/2/publications/20190920-Summary-Groundwater-Conditions-Big-Wood-River-GWMA-2019-Update.pdf.

[9] *See* Memorandum from Jennifer Sukow, Technical Engineer 2, Idaho Dep't of Water Res., to Gary Spackman, Director, Idaho Dep't of Water Res. 25 (2015) ("Subject: Hydrology, hydrogeology, and hydrologic data, Big Wood & Little Wood Water Users Association delivery calls, CM-DC-2015-001 and CM-DC-2015-00*2"*); *see also* Jennifer Sukow, Idaho Dep't of Water Res., *Groundwater-Flow Model for the Wood River Valley Aquifer System, Version 1.1, Simulated Curtailment of Groundwater Use* 19 (2019), https://idwr.idaho.gov/wp-content/uploads/sites/2/projects/wood-river-valley/20190731-Report-WRV-V11CurtailSim.pdf [hereinafter *Version 1.1 Groundwater-Flow Model Simulated Curtailment*].

[10] *See Version 1.1 Groundwater-Flow Model Simulated Curtailment*, at 19.

Consequently, the Department has initiated additional measures to manage the surface and ground water rights in the Wood River drainage. In 2013, the Department issued an order to include the administration of ground water rights in Water Districts 37 and 37B.[11]

In 2016, the Department collaborated with the U. S. Geological Survey on a final report documenting version 1.0 of the Wood River Valley Groundwater-Flow Model, which enables the Department to model the impacts of ground water changes on surface water flows.[12] In 2019, the Department published a final report documenting recalibrated version 1.1 of the Wood River Groundwater-Flow Model.[13]

In 2020, the Department formed an advisory committee ("Advisory Committee") to assist the Department in drafting a new management plan for the BWRGWMA.

In 2021, in response to severe drought conditions causing water supply shortages in the Wood River Basin, the Department curtailed junior ground water rights in the Bellevue Triangle area of the BWRGWMA to increase the supply of water to senior water right holders in the Silver Creek and Little Wood River drainages.[14] The Department stayed the curtailment order in response to the ground water users' mitigation plan.[15]

On May 4, 2022, the Director of the Department adopted a new management plan for the BWRGWMA ("Management Plan").[16]

---

[11] *See Preliminary Order*, *In re Proposed Combination of Water District Nos. 37, 37A, 37C & 37M & Inclusion of Surface & Ground Water Rights in Combined Water District; & in re Abolishing Upper Wood Rivers Water Measurement Dist,* (Idaho Dep't of Water Res. September 17, 2013), https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/orders/2013/20130917-Preliminary-Order-Creating-WD37B-Camas-Creek.pdf. While captioned as a preliminary order, the order became final and effective when no petitions for reconsideration were filed.

[12] Jason C. Fisher, James R. Bartolino, Allan H. Wylie, Jennifer Sukow & Michael McVay, U.S. Geological Survey & Idaho Dep't of Water Res., *Sci. Investigations Rep. 2016–5080*, *Groundwater-flow Model of the Wood River Valley Aquifer System, South-central Idaho* 71 (2016), http://dx.doi.org/10.3133/sir20165080.

[13] Allan Wylie, Jennifer Sukow, Mike McVay & James Bartolino, Idaho Dep't of Water Res., *Groundwater-Flow Model for the Wood River Valley Aquifer System, Version 1.1* 39 (2019), https://idwr.idaho.gov/wp-content/uploads/sites/2/projects/wood-river-valley/20190627-Groundwater-Flow-Model-forthe-Wood-River-Valley-Aquifer-System.pdf.

[14] *See Final Order*, *In re Basin 37 Admin. Proc.*, No. AA-WRA-2021-001 (Idaho Dep't of Water Res. June 28, 2021), https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/AA-WRA-2021-001/AA-WRA-2021-001-20210628-Basin-37-Final-Order.pdf.

[15] *See Final Order Approving Mitigation Plan & Staying Curtailment*, *In re Basin 37 Admin. Proc.*, No. AA-WRA-2021-001 (Idaho Dep't of Water Res. July 8, 2021), https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/AA-WRA-2021-001/20210708-Final-Order-Approving-Mitigation-Plan-Staying-Curtailment_with-COS.pdf.

[16] The Management Plan is "attached to and incorporated into" the *Order Approving Ground Water Management Plan*. *See Order Approving Ground Water Mgmt. Plan*, at 3, *In re Mgmt. of Ground Water Within Big Wood River Ground Water Mgmt. Area* (Idaho Dep't of Water Res. May 4, 2022), https://idwr.idaho.gov/wp-content/uploads/sites/2/groundwater-mgmt/big-wood-gwma-advisory-comm/Order-Approving-BWRGWMA-Mgmt-Plan-05042022.pdf.

The Management Plan (2022) is separate from the Management Policy (1991) and does not affect implementation of the 1991 Management Policy, which functions as a moratorium to restrict new appropriations of water. However, the Advisory Committee recommended that the Department "issue a moratorium order specific to the BWRGWMA" to replace the 1991 Management Policy.[17]

On March 30, 2022, the Director received a petition to establish a moratorium order for the BWRGWMA ("*Moratorium Petition*"). The *Moratorium Petition* is signed by representatives of Big Wood Canal Company, Big and Little Wood Water Users' Association, Galena Ground Water District, South Valley Ground Water District, and Water District 37B Ground Water Association. The Department also received a letter on March 5, 2022, from the City of Bellevue, the City of Hailey, and Sun Valley Co. ("Cities") stating they "will not oppose" a moratorium order if it is "for a period of three years" and is consistent with the 1991 Management Policy.[18] Significantly, the 1991 Management Policy allows for the issuance of permits for new municipal water uses, with the following limitations:

> While an incorporated city has wide latitude under state law to beneficially use water rights for municipal purposes, any new large consumptive use within the municipal limits, such as irrigation of lands not associated with a dwelling, or irrigation of more than on-half acre associated with a dwelling, must be mitigated by the municipality.

Management Policy, at 4.

CONCLUSIONS OF LAW

Idaho law declares all surface water, when in natural channels or springs or lakes, and all ground water within the State of Idaho to be the property of the state, whose duty it is to supervise the appropriation and allotment of the water to those diverting the same for beneficial use. *See* I.C. §§ 42-101, -103, -226.

The Director, acting on behalf of the State of Idaho, has the statutory authority to control the appropriation and use of all surface and ground waters within the state in accordance with, but not limited to, Idaho Code §§ 42-101, 42-103, 42-202(1), 42-220, 42-226, 42-237a.g., 42-351, and 42-602.

Idaho Code § 42-1805(7) authorizes the Director to suspend the issuance or further action on applications to appropriate water as necessary to protect existing water rights. Further, IDAPA Rule 37.03.08.055 (Water Appropriation Rule 55) states that the Director may establish moratoriums, as necessary, to protect existing water rights.

---

[17] *Id*. attach. § VIII, at 12 (Final Big Wood River Ground Water Management Area Management Plan).

[18] *See* Letter from Candice M. McHugh, Attorney for City of Bellevue, Michael P. Lawrence, Attorney for City of Hailey & Chris M. Bromley, Attorney for Sun Valley Co. to Tim Luke, Water Compliance Bureau Chief, Idaho Dep't of Water Res. (March 5, 2022) (Re: Big Wood Ground Water Management Area Management Plan and draft Petition for Water Rights Moratorium), https://idwr.idaho.gov/wp-content/uploads/sites/2/groundwater-mgmt/big-wood-gwma-advisory-comm/Cities-Mgmt-Plan-Comments-Ltr-to-T-Luke-FINAL-w-signatures.pdf.

By adopting a new Management Plan, the Department and the Wood River basin water users intend to reduce the effects of ground water pumping under existing water rights within the BWRGWMA on senior surface water rights. Authorizing new consumptive uses of water within the BWRGWMA will undermine actions to reduce the impact of ground water use on senior surface water rights. For that reason, a moratorium suspending processing of pending and new applications to appropriate surface water and ground water in the BWRGWMA is necessary to protect existing water rights. Such a moratorium will maintain water administration practices in place since 1980 for surface water and 1991 for ground water.

As discussed above, the Cities have requested that the Director exclude applications for new water rights for municipal purposes from this moratorium order consistent with the 1991 Management Policy. Since the Management Policy was adopted in 1991, Idaho courts have acknowledged that a water right for municipal purposes may be fully consumed without exceeding the authorized beneficial use:

> The nature of the beneficial use of a municipal right is such that the right can be fully consumed without engaging in waste or violating a beneficial use duty of water . . . . The nature of the purpose of use of a municipal right is such that the right can be fully consumed without violating a beneficial use duty of water and without exceeding the authorized scope of the water right.

Mem. Decision & Order, at 10, *Riverside Irr. Dist. v. Idaho Dep't of Water Res.*, No. CV14-21-05008 (Canyon Cnty. Dist. Ct. Idaho Dec. 28, 2021).

The 1991 Management Policy also allowed for the issuance of permits for new domestic uses where each dwelling unit meets the definition of domestic purposes in Idaho Code § 42-111(1):

> For purposes of this management policy, applications for ground water permits seeking water for multiple ownership subdivisions or mobile home parks will be considered provided each unit satisfies the definition for the exception of need to file an application for permit as described above.

Management Policy, at 4.

When community water systems[19] supply water for outside use, the water used for irrigation of lawns and landscaping is largely consumed, while the indoor water use is largely non-consumptive. Separately quantifying the amount of water used outside and the amount of water used inside is usually difficult and is typically only estimated. Furthermore, a community water system often discharges its unconsumed water into a municipal sewer treatment facility operated by a municipality. Sewage disposal methods may include evaporation from the retention facility, land application, or treatment and re-use. Mingling sewage from a community system into a municipal sewage facility may render the community use fully consumptive.

[19] Community water system as used in this order is defined as a water system supplying water for domestic purposes that do not meet the Idaho Code § 42-111 definition of domestic purposes.

There is little or no additional water in the BWRGWMA for new consumptive uses. Any new water right for municipal purposes has the potential to be fully consumptive, either immediately or as the city modifies its water use or modifies its wastewater treatment and disposal processes over time. Because the entirety of the municipal use may become consumptive, the Director should not continue the 1991 policy allowing a municipal provider to appropriate water for municipal purposes by applying for a water right permit without mitigation. The same is true for new community water systems. Community water systems that include irrigation are consumptive, and even those that do not include irrigation may be rendered fully consumptive through consumptive wastewater disposal processes. Continuing to issue new municipal water rights and new water rights for community water systems within the BWRGWMA without mitigation would reduce the quantity of water available to supply existing water rights. It is necessary for the Director to suspend further action on applications to appropriate water for all municipal and community water systems given the variability in consumptive use.

If the Director restricts the appropriation of water for municipal purposes and community water systems, additional appropriation of water by drilling a well for domestic purposes, as it is defined in Idaho Code § 42-111, should also be severely limited or prohibited. Potentially significant depletions to ground water sources are ignored when the appropriation of ground water for community water systems, including municipal uses, is prohibited, while at the same time, appropriation of ground water is perfected by the drilling of individual domestic wells, which may cumulatively result in as much or more consumption of ground water than a community water system.

However, the Director currently lacks the explicit authority to restrict the appropriation of ground water by the drilling of individual domestic wells. Idaho Code § 42-227 exempts the drilling of wells for domestic purposes, as defined in Idaho Code § 42-111(1), from "the permit requirement under section 42-229, Idaho Code." Idaho Code § 42-229 prescribes "the application permit and license procedure" as the method of appropriating ground water.

Idaho Code § 42-1805 grants the Director limited authority to prohibit appropriation of water. The Director is only authorized to "suspend the issuance or further action on *permits or applications* . . . ." Idaho Code § 42-1805 (emphasis added). Because the drilling of wells for domestic purposes is exempt from the application permit and licensing procedures, the Director does not have the explicit authority to issue a moratorium order that prohibits appropriation of water for qualifying exempt domestic ground water uses under Idaho Code § 42-111(1).

When the Director has determined that water is unavailable for appropriation, the Director must have the authority to suspend appropriation of water by any means, including appropriation by beneficial use, for exempt domestic uses, for the following reasons: 1) prevent further depletion of an over-appropriated source of water; and 2) ensure that all prospective appropriators of water are treated equitably.

Until the Legislature grants explicit authority to issue moratorium orders that prohibit appropriation of water by beneficial use for exempt domestic uses, the opportunity for over-

appropriation and the inequity and inequality between domestic use in community water systems and single-family domestic uses will continue.

Regarding the Cities request to limit a moratorium on new appropriations in the BWRGWMA to three years, the Department can re-evaluate its moratorium order at any time. Rather than have the moratorium automatically expire in three years, when reviewing the Management Plan upon its expiration, the Department may consider the need to maintain, modify, or repeal a moratorium in the BWRGWMA.

ORDER

IT IS HEREBY ORDERED, pursuant to Idaho Code § 42-1805(7) and IDAPA Rule 37.03.08.055 (Water Appropriation Rule 55), that a moratorium is established on the processing and approval of new and pending applications for permits to appropriate water from surface and ground water sources within the BWRGWMA. *See infra* Appendix 1. New and pending applications to appropriate water in the BWRGWMA shall be held without further processing unless they meet one or more of the exceptions stated in this order. The following provisions apply to the administration of the moratorium:

1. The moratorium is separate from the BWRGWMA Management Plan and shall remain in full force and effect independent of the BWRGWMA Management Plan.

2. The moratorium does not affect the authorization to continue development of any existing approved permit to appropriate water.

3. Consistent with Idaho Code § 42-227, the moratorium does not apply to any appropriation of ground water by beneficial use for domestic purposes, including livestock watering, as such term is defined in Idaho Code § 42-111.

4. The moratorium does not apply to any application proposing a non-consumptive use of water as the term is used in Idaho Code § 42-605A. This exception to the moratorium shall not apply to applications for non-consumptive uses of water that will reduce the supply of water available to existing water rights because of the location or timing of return flows. Applications for ground water recharge shall be evaluated on a case-by-case basis to determine whether the proposed use is non-consumptive and whether it will reduce the supply of water to holders of existing water rights with priority dates senior to the priority date of the application. Applications for municipal purposes and for domestic use from community water systems shall be presumed to be fully consumptive. Applicants may rebut the presumption by providing substantial, detailed evidence that the proposed use is not fully consumptive, will not become more consumptive or fully consumptive over time, and will not injure existing vested water rights. A rebuttal of the presumption must address monitoring, reporting, and mitigation measures, to ensure that the proposed use does not become more consumptive or fully consumptive after it has been established. The Director may consider a rebutted presumption when assessing an application. Sufficiently rebutting the presumption alone shall not entitle an applicant to approval of its application. Irrigation proposed in connection with a domestic use will be considered consumptive. Domestic,

commercial, industrial, or other water uses that result in the discharge of wastewater to a municipal or publicly owned treatment works will be considered consumptive.

5. This moratorium does not apply to applications for drilling permits to replace or deepen existing wells having valid, existing water rights.

6. This moratorium does not apply to applications for transfer, including applications to add points of diversion to valid, existing water rights.

7. This moratorium does not prevent the Director from reviewing for approval on a case-by-case basis an application which otherwise would not be approved under the terms of this moratorium if:

    a. Protection and furtherance of the public interest, as determined by the Director, requires consideration and approval of the application irrespective of the general moratorium; or

    b. The Director determines that the development and use of the water pursuant to an application will have no effect on prior surface and ground water rights because of its timing, location, insignificant consumption of water or mitigation provided by the application to offset injury to other rights.

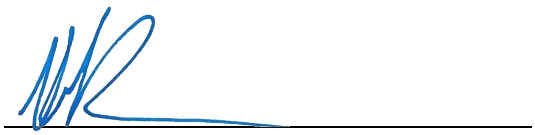
IT IS FURTHER ORDERED that the 1991 *Management Policy for the Big Wood River Ground Water Management Area* is repealed.

IT IS FURTHER ORDERED that this moratorium order shall be in effect on and after its entry and shall remain in effect until it is withdrawn or modified by order of the Director.

IT IS FURTHER ORDERED that the Department shall serve a copy of this order by certified mail upon holders of applications for permits proposing appropriation of ground water or surface water within the BWRGWMA and shall publish notice of this order for three consecutive weeks as required by IDAPA Rule 37.03.08.055 (Water Appropriation Rule 55).

Pursuant to Idaho Code § 42-1701A(3), any person aggrieved by any decision, determination, order or other action of the Director, and who has not previously been afforded an opportunity for a hearing on the matter, shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing.

Dated this 8th day of July 2024.



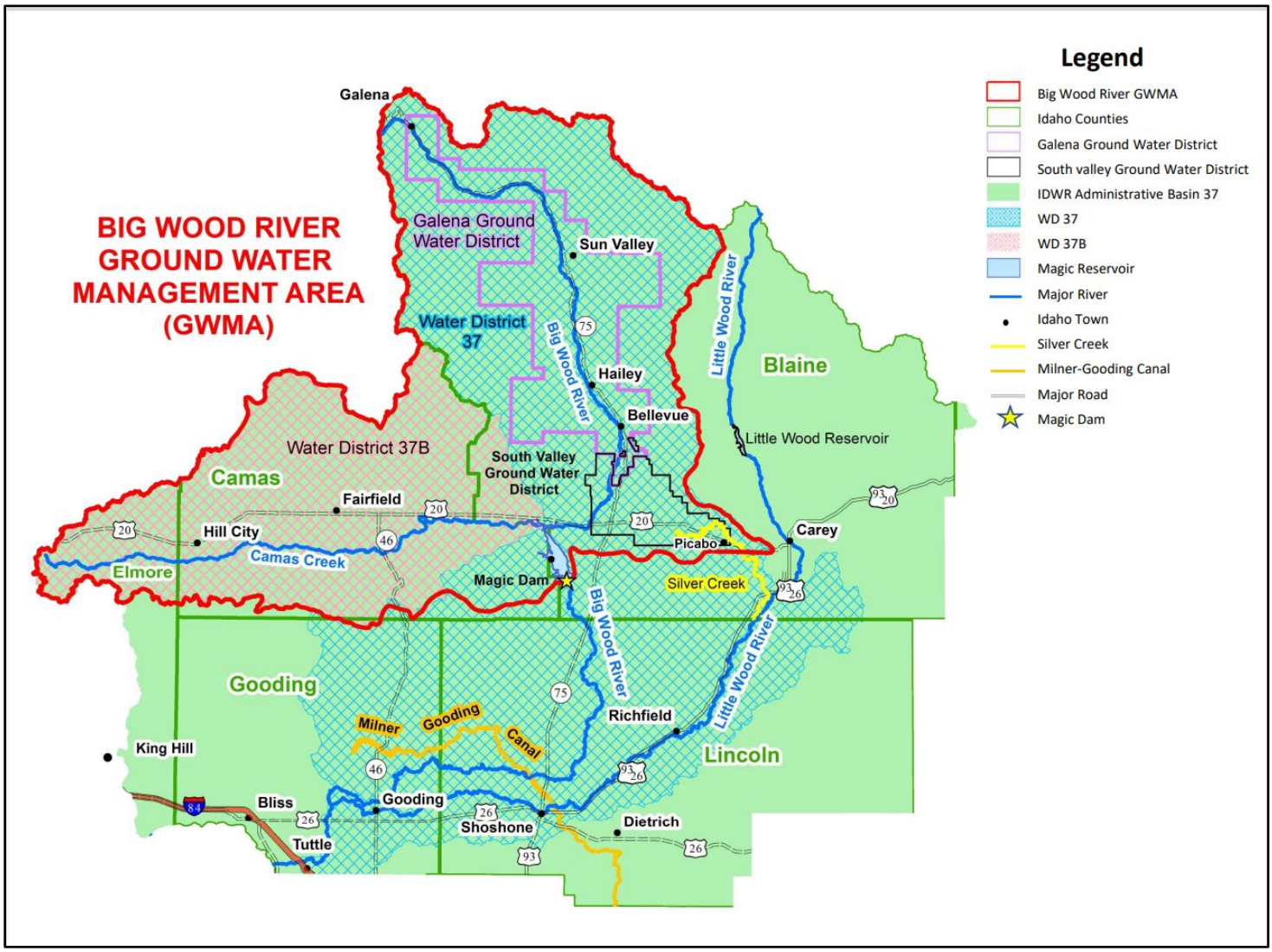
MAT WEAVER
Director

AMENDED ORDER ESTABLISHING MORATORIUM

IN THE MATTER OF THE BIG WOOD RIVER GROUND WATER MANAGEMENT AREA

APPENDIX 1

Map of the Big Wood River Ground Water Management Area

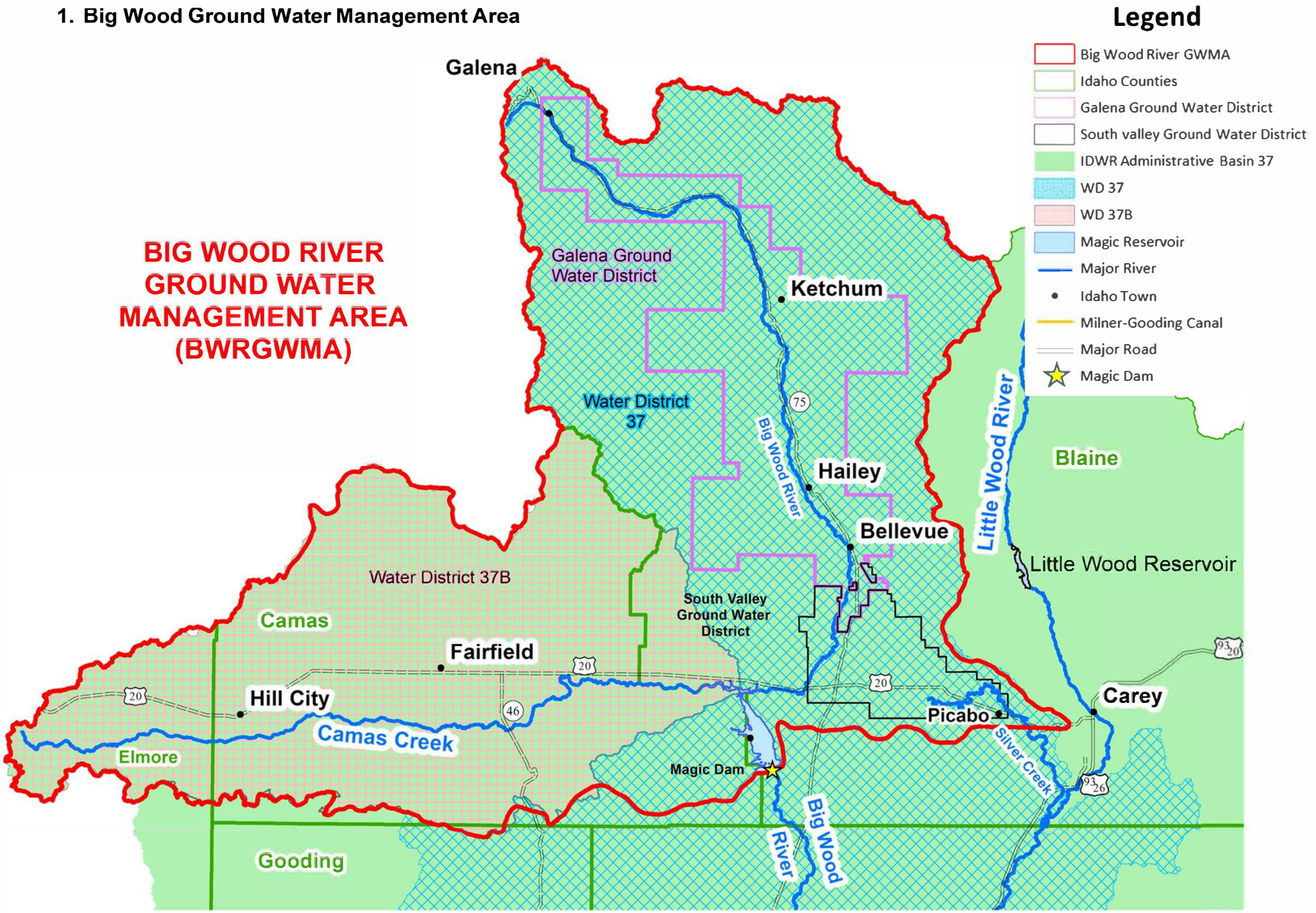


EXTENSION OF FINAL BIG WOOD RIVER GROUND WATER MANAGEMENT AREA MANAGEMENT PLAN

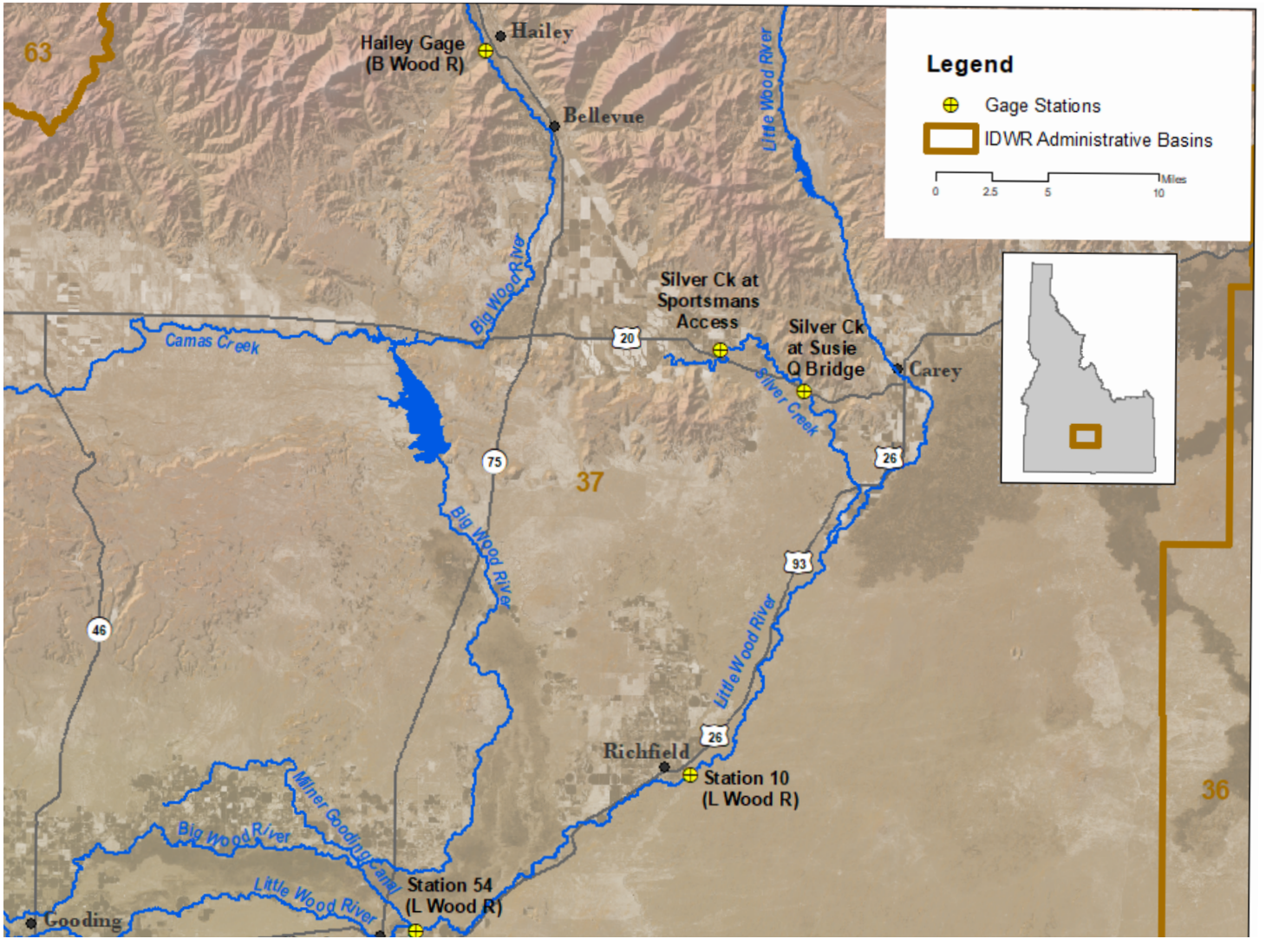
APPENDIX C

Big Wood River Ground Water Management Area Maps

1. **Big Wood Ground Water Management Area**



2. Gage Station Locations



EXTENSION OF FINAL BIG WOOD RIVER GROUND WATER MANAGEMENT AREA MANAGEMENT PLAN

APPENDIX D

Bibliography of Reference Material Characterizing the Wood River Basin Hydrology and Hydrogeology

The following bibliography is copied from the August 28, 2015, memorandum from Jennifer Sukow to Gary Spackman about "Hydrology, hydrogeology, and hydrologic data, Big Wood & Little Wood Water Users Association delivery calls, CM-DC-2015-001 and CM-DC-2015-002", which is itself a useful summary of the hydrology and hydrogeology of the Wood River Basin.

Bartolino, J.R., 2009, Ground-Water Budgets for the Wood River Valley Aquifer System, South Central Idaho, 1995-2004, U.S. Geological Survey Scientific Investigations Report 2009- 5016, 36 p., http://pubs.usgs.gov/sir/2009/5016/.

Bartolino, J.R., 2014, Stream Seepage and Groundwater Levels, Wood River Valley, South Central Idaho, 2012-2013, U.S. Geological Survey Scientific Investigations Report 2014-5151, 34 p., 3 pl., http://pubs.er.usgs.gov/publication/sir20145151.

Bartolino, J.R., C.B. Adkins, 2012, Hydrogeologic Framework of the Wood River Valley Aquifer System, South-Central Idaho, U.S. Geological Survey Scientific Investigations Report 2012-5053, 36 p., 1 pl., http://pubs.usgs.gov/sir/2012/5053/.

Bartolino, J.R., S.V. Vincent, 2013, Groundwater Resources of the Wood River Valley, Idaho: A Groundwater-Flow Model for Resource Management, U.S. Geological Survey Fact Sheet 2013-3005, 4 p., http://pubs.usgs.gov/fs/2013/3005/pdf/fs2013-3005.pdf.

Barlow, P.M., and Leake, S.A., 2012, Streamflow Depletion by Wells – Understanding and Managing the Effects of Groundwater Pumping on Streamflow, U.S. Geological Survey Circular 1376, 84 p., http://pubs.er.usgs.gov/publication/cir1376.

Brockway and Kahlown, 1994, Hydrologic Evaluation of the Big Wood River and Silver Creek Watersheds Phase I Final Report, Idaho Water Resources Research Institute, submitted to The Nature Conservancy, 52 p., http://savesilvercreek.org/Pdf_files/hydrology_phase1_1994.pdf.

Castelin, P.M., and S.L. Chapman, 1972, Water Resources of the Big Wood River-Silver Creek Area, Blaine County, Idaho, Idaho Department of Water Administration, 44 p., http://idwr.idaho.gov/WaterInformation/Publications/wib/wib28-big_wood_riversilver_creek_area.pdf.

Castelin, P.M., and J.E. Winner, 1975, Effects of Urbanization on the Water Resources of the Sun Valley-Ketchum area, Idaho, Idaho Department of Water Resources Water Information Bulletin No. 40, 86 p., http://idwr.idaho.gov/WaterInformation/Publications/wib/wib40-sun_valleyketchum_area.pdf.

Claire, J., 2005, Little Wood River Subbasin Assessment and TMDL, Idaho Department of Environmental Quality, 255 p., http://www.deq.idaho.gov/media/455151-_water_data_reports_surface_water_tmdls_little_wood_river_little_wood_river_entire.pdf.

Frenzel, S.A., 1989, Water Resources of the Upper Big Wood River Basin, Idaho, U.S. Geological Survey Water Resources Investigations Report 89-4018, 47 p., http://pubs.er.usgs.gov/publication/wri894018.

Hopkins, C.B., J.R. Bartolino, 2013, Quality of Groundwater and Surface Water, Wood River Valley, South-Central Idaho, July and August 2012, U.S. Geological Survey Scientific Investigations Report 2013-5163, 32 p., http://pubs.er.usgs.gov/publication/sir20135163.

Idaho Department of Water Resources, 2013, Enhanced Snake Plain Aquifer Model Version 2.1 Final Report, Idaho Department of Water Resources with guidance from the Eastern Snake Hydrologic Modeling Committee, 99 p., http://www.idwr.idaho.gov/Browse/WaterInfo/ESPAM/ESPAM_2_Final_Report/.

Jones, R.P., 1952, Evaluation of Streamflow Records in Big Wood River Basin, Idaho, U.S. Geological Survey Circular 192, 59 p., 1 pl., http://pubs.er.usgs.gov/publication/cir192.

Kauffman, J.D., K.L. Othberg, 2007, Geologic Map of the Magic Reservoir East Quadrangle, Blaine and Camas Counties, Idaho, 1 pl., http://www.idahogeology.org/PDF/Digital_Data_(D)/Digital_Web_Maps_(DWM)/magic_res_east_dwm-82-m.pdf.

Kauffman, J.D., K.L. Othberg, 2008, Geologic Map of the Magic Reservoir West Quadrangle, Blaine and Camas Counties, Idaho, 1 pl., http://www.idahogeology.org/PDF/Digital_Data_(D)/Digital_Web_Maps_(DWM)/Magic_res_west_DWM-100-m.pdf.

Kramer, R., 2015, Watermaster's Report, Water District 37B, submitted to the Idaho Department of Water Resources, February 3, 2015, 5 p., http://idwr.idaho.gov/apps/ExtSearch/DocsImages/c4hf01_.PDF.

Lakey, K., 2015, letter to Idaho Department of Water Resources dated June 16, 2015, 8 p., provided in supplemental files accompanying this memorandum.

Leake, S.A. and Barlow, P.M., 2013, Understanding and Managing the Effects of Groundwater Pumping on Streamflow, U.S. Geological Survey Fact Sheet 2013-3001, 4 p., http://pubs.usgs.gov/fs/2013/3001/.

Leeman, W.P., 1982, Geology of the Magic Reservoir Area, Snake River Plain, Idaho, in B. Bonnichsen and R. M. Breckenridge, editors, Cenozoic Geology of Idaho, Idaho Bureau of Mines and Geology Bulletin 26, p. 369-376, http://geology.isu.edu/Geothermal/References/IGS/Leeman_1982_IGSBul26_MagicRes. pdf.

Loinaz, M.C., 2012a, Integrated Hydrologic Model of the Wood River Valley and Stream Temperature Model of the Silver Creek Basin, submitted to The Nature Conservancy, 39 p., http://www.savesilvercreek.org/Pdf_files/silver-creek-model-report.pdf.

Loinaz, M.C., 2012b, Integrated Ecohydrological Modeling at the Catchment Scale, Ph.D. Thesis, Technical University of Denmark, 41 p., http://orbit.dtu.dk/fedora/objects/orbit:113377/datastreams/file_9891763/content.

Moreland, J.A., 1977, Ground Water-Surface Water Relations in the Silver Creek Area, Blaine County, Idaho, U.S. Geological Survey Open File Report 77-456, 82 p., 5 pl., http://pubs.er.usgs.gov/publication/ofr77456.

Panday, S., C.D. Langevin, R.G. Niswonger, M. Ibaraki, J.D. Hughes, 2013, MODFLOW-USG Version 1: An Unstructured Grid Version of MODFLOW for Simulating Groundwater Flow and Tightly Coupled Processes Using a Control Volume Finite-Difference Formulation, U.S. Geological Survey Techniques and Methods 6-A45, 66 p., http://pubs.usgs.gov/tm/06/a45/.

Piper, A.M., 1925, Ground Water for Irrigation on Camas Prairie, Camas and Elmore Counties, Idaho, 53 p, http://www.idahogeology.org/PDF/Pamphlets_(P)/p-15.pdf.

Ross, D.W., 1900, Biennial Report of the State Engineer to the Governor of Idaho, 1899-1900, Capital Printing Office, Boise, Idaho, p. 28-31, http://www.idwr.idaho.gov/Browse/WaterInfo/ESPAM/model_files/Version_2.1_Current/Development_Data/WaterBudget_Validation/1902/Reports_1890to1902ValidationData/Biennial_report_of_the_State_Engineer_1900.pdf.

Ross, D.W., 1902, Biennial Report of the State Engineer to the Governor of Idaho,1901-1902, Statesman Print, Boise, Idaho, p. 165-169, http://www.idwr.idaho.gov/Browse/WaterInfo/ESPAM/model_files/Version_2.1_Current/Development_Data/WaterBudget_Validation/1902/Reports_1890to1902ValidationData/Biennial_report_of_the_State_Engineer_1902.pdf.

Schmidt, D.L., 1962, Quaternary Geology of the Bellevue Area in Blaine and Camas Counties, Idaho, U.S. Geological Survey Open File Report 62-120, 127 p., 12 pl., http://pubs.er.usgs.gov/publication/ofr62120.

Skinner, K.D., J.R. Bartolino, A.W. Tranmer, 2007, Water-Resource Trends and Comparisons Between Partial-Development and October 2006 Hydrologic Conditions, Wood River Valley, South-Central Idaho, U.S. Geological Survey Scientific Investigations Report 2007-5258, 30 p., 4 pl., http://pubs.usgs.gov/sir/2007/5258/.

Smith, R.O., 1959, Ground-water Resources of the Middle Big Wood River-Silver Creek Area, Blaine, County, Idaho, U.S. Geological Survey Water Supply Paper 1478, 61 p., 5 pl., http://pubs.er.usgs.gov/publication/wsp1478.

Smith, R.O., 1960, Geohydrologic Evaluation of Streamflow Records in the Big Wood River Basin, Idaho, U.S. Geological Survey Water Supply Paper 1479, 68 p., 2 pl., http://pubs.er.usgs.gov/publication/wsp1479.

Stearns, H.T., L. Crandall, W.G. Steward, 1938, Geology and ground-water resources of the Snake River Plain in Southeastern Idaho, U.S. Geological Survey Water Supply Paper 774, pp. 258-262, http://pubs.er.usgs.gov/publication/wsp774.

Struhsacker, D.W., P.W. Jewell, J. Zeisloft, S.H. Evans, Jr., 1982, The Geology and Geothermal Setting of the Magic Reservoir Area, Blaine and Camas Counties, Idaho, B. Bonnichsen and R. M. Breckenridge, editors, Cenozoic Geology of Idaho, Idaho Bureau of Mines and Geology Bulletin 26, p. 377-393, http://geology.isu.edu/Digital_Geology_Idaho/papers/B-26ch6-4.pdf.

U.S. Bureau of Reclamation, 2010, Draft Environmental Assessment for the Little Wood River Irrigation District Pressurized Pipeline Irrigation Delivery System, 91 p., http://www.usbr.gov/pn/programs/ea/idaho/littlewood/littlewoodriverea.pdf.

Walton, W.C., 1962, Ground-Water Resources of Camas Prairie, Camas and Elmore Counties, Idaho. U.S. Geological Survey Water-Supply Paper 1609, prepared on behalf of the U.S. Bureau of Reclamation, 57 p., 1 pl., http://pubs.er.usgs.gov/publication/wsp1609.

Water Districts 7 & 11, watermaster reports for various years between 1920 and 1970, submitted to Idaho Department of Reclamation or Idaho Department of Water Administration. Bound volumes are available for inspection at the IDWR State Office. Scanned copies of 1920-1922 narratives by S.H. Chapman provided in supplemental files accompanying this memorandum.

Water Districts 37 & 37M, watermaster reports for various years between 1971 and 2013, submitted to Idaho Department of Water Administration or Idaho Department of Water Resources. Bound volumes are available for inspection at the IDWR State Office.

Wetzstein, A.B., C.W. Robison, C.E. Brockway, 1999, Hydrologic Evaluation of the Big Wood River and Silver Creek Watersheds Phase II, Idaho Water Resources Research Institute, submitted to The Nature Conservancy, 136 p. http://www.sscalliance.com/Pdf_files/hydrology_phase2_1999.pdf.

Young, H.W., 1978, Water Resources of Camas Prairie, South-Central Idaho. U.S. Geological Survey Water-Resources Investigations 78-82 Open-File Report, 34 p., http://pubs.usgs.gov/wri/1978/0082/report.pdf.

Young, H.W., R.L. Backsen, K.S. Kenyon, 1978, Selected Hydrologic Data, Camas Prairie, South-Central Idaho. U.S. Geological Survey Open-File Report 78-500, prepared in cooperation with the Idaho Department of Water Resources, 70 p., 1 pl., link to digital version not currently available from USGS Publications Warehouse, scanned copy provided in supplemental files accompanying this memorandum.

Additional resources not referenced in the 2015 memorandum include the following:

Fisher, J.C., Bartolino, J.R., Wylie, A.H., Sukow, Jennifer, and McVay, Michael, 2016, Groundwater-flow model of the Wood River Valley aquifer system, south-central Idaho: U.S. Geological Survey Scientific Investigations Report 2016–5080, 71 p., http://dx.doi.org/10.3133/sir20165080.

Idaho Department of Water Resources, 2018, Wood River Groundwater Level Synoptic Fall 2018, Alex Moody, 20 p., https://idwr.idaho.gov/wp-content/uploads/sites/2/publications/20190809-Wood-River-groundwater-level-synoptic-2018.pdf.

Idaho Department of Water Resources, 2019, Summary of Ground Water Conditions in the Big Wood River Ground Water Management Area, 2019 Update, Allan Wylie, 79 p., https://idwr.idaho.gov/wp-content/uploads/sites/2/publications/20190920-Summary-Groundwater-Conditions-Big-Wood-River-GWMA-2019-Update.pdf.

Idaho Department of Water Resources, 2019, Groundwater-Flow Model for the Wood River Valley Aquifer System, Version 1.1, A. Wylie, J. Sukow, M. McVay, J. Bartolino, 39 p., https://idwr.idaho.gov/wp-content/uploads/sites/2/projects/wood-river-valley/20190627-Groundwater-Flow-Model-forthe-Wood-River-Valley-Aquifer-System.pdf.

Idaho Department of Water Resources, 2019, Groundwater-Flow Model for the Wood River Valley Aquifer System, Version 1.1, Simulated Curtailment of Groundwater Use, Jennifer Sukow, 19 p., https://idwr.idaho.gov/wp-content/uploads/sites/2/projects/wood-river-valley/20190731-Report-WRV-V11CurtailSim.pdf.

Idaho Department of Water Resources, 2021, Final Order in the Matter of Basin 37 Administrative Proceeding, Docket No. AA-WRA-2021-001, 38 p., https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/AA-WRA-2021-001/AA-WRA-2021-001-20210628-Basin-37-Final-Order.pdf.

EXTENSION OF FINAL BIG WOOD RIVER GROUND WATER MANAGEMENT AREA MANAGEMENT PLAN

APPENDIX E

Minimum Stream Flow Water Rights

Minimum Stream Flow Water Rights

Water Right No.	Basis	Source	Priority Date	Max Flow Rate (cfs) & (Season of Use)	Water Use	Owner	Reach Description
37-7919	Decreed	Big Wood River	6/19/1981	70.0 (1/1 – 12/31)	Min. Stream Flow	State Of Idaho	Warm Springs Ck to Bellevue Canal
37-8258	Decreed	Big Wood River	1/16/1986	200.0 (3/1 – 8/31) 150.0 (9/1 – 2/28)	Min. Stream Flow	State Of Idaho	SNRA boundary to Warm Springs Ck
37-8307	Decreed	Big Wood River	10/16/1987	119.0 (1/1 – 12/31)	Min. Stream Flow	State Of Idaho	Warm Springs Ck to Bellevue Canal
37-7739	Decreed	Little Wood River	9/29/1978	39.0 (1/1 – 12/31)	Min. Stream Flow	State Of Idaho	Silver Ck. to Richfield gage station
37-7727	Decreed	Silver Creek	9/13/1978	99.0 (1/1 – 12/31)	Min. Stream Flow	State Of Idaho	Confluence of Grove & Stalker Creeks to Picabo Bridge
37-7728	Decreed	Silver Creek	9/13/1978	74.0 (1/1 – 12/31)	Min. Stream Flow	State Of Idaho	Picabo Bridge to Highway 93 Bridge
37-7849	Decreed	Silver Creek	8/26/1980	74.0 (1/1 – 12/31)	Min. Stream Flow	State Of Idaho	Highway 93 Bridge to Little Wood River

EXTENSION OF FINAL BIG WOOD RIVER GROUND WATER MANAGEMENT AREA MANAGEMENT PLAN

APPENDIX F

BWRGWMA Advisory Committee Letter to IDWR Director Weaver
Re. Recommendation for Three-Year Extension of BWRGWMA Management Plan

October 30, 2024

Mathew Weaver, Director
Idaho Department of Water Resources
322 E Front Street, Suite 648
Boise, ID 83702

RE: Recommendation for Three Year Extension of BWRGWMA Management Plan

Dear Director Weaver:

In the fall of 2020, the Department of Water Resources ("IDWR") formed the Big Wood River Ground Water Management Area ("BWRGWMA") Advisory Committee ("Advisory Committee") to advise the Director of IDWR in developing a management plan for the BWRGWMA. In May of 2022, IDWR approved a three-year management plan, which expires on December 31, 2024. In February of this year, you asked the Advisory Committee to advise IDWR on the development of a new or updated management plan for the period beginning January 1, 2025.

Since February, the Advisory Committee has met ten times. In addition, select members of the committee have met in several discussion group meetings to consider specific management plan topics. Having deliberated carefully, the Advisory Committee believes that developing a broadly supported, long-term management plan is dependent on several actions that will be or can be achieved within three years from now. Therefore, we respectfully recommend that you extend the existing management plan for an additional three years -- from January 1, 2025, through December 31, 2027 – to make time for accomplishing the following items:

- Develop and evaluate the April 1 Allotment ("A1A") Model for Consumptive Use Allotment Estimations to determine if it can be the basis for a longer-term management plan. (The BWRGWMA technical working group has begun this project.)

- Update calibration of the Big Wood River Groundwater Model. (IDWR and the Wood River Valley Model Technical Advisory Committee have scheduled this project to be completed in 2026.)

- Support the Camas Prairie Hydrologic Project. (The USGS has scheduled this project to be completed by the USGS in early 2027.)

- Complete at least a prototype of the Water District 37 accounting model. (IDWR has begun this project.)

- Prepare a report evaluating the 32 cfs four-day moving average streamflow target from May 1 through September 30 at Station 10 on the Little Wood River near Richfield. What is the justification for the streamflow target, and who benefits? (This project may be a collaboration among IDWR, Water District 37, the BWLWWUA, and the BWRGWMA technical working group.)

- Prepare a report evaluating a possible 53 cfs total inflow target (comprised of the sum of flows at Camas Creek, Willow Creek, and Stanton Crossing gauges) into Magic Reservoir. What is the justification for the streamflow target, how can it be maintained, and who benefits? (This project may be a collaboration among IDWR, Water District 37, the BWLWWUA, and the BWRGWMA technical working group.)

- Prepare a report on the effects of administering water rights consistent with Tim Luke's April 27, 2021, memo *Delivery of Water Rights in Water District 37 from the Big Wood and Little Wood Rivers having the BOR-AFRD2-BWCC Exchange Condition*. This report would enable the Advisory Committee and IDWR to assess the need for, and amount of, stream flow targets and Snake River storage water acquisition and deliveries as elements of a future management plan. (Water District 37 will take the lead role for this project.)

- Evaluate options for Water Districts 37 and 37B to report groundwater diversions during the irrigation season. This may facilitate the use of pumping reductions as a management tool. (Water Districts 37, 37B, and South Valley Ground Water District may collaborate on this project.)

- Evaluate options for improving and increasing monitoring and reporting of surface water flow and diversions. This would include exploring options for improving existing monitoring sites, developing additional monitoring locations, and exploring technological advances in data collection and reporting, such as SCADA. This will allow for more "real time" adjustments to assist water users in making quicker management decisions. (The BWRGWMA technical working group envisions this project being part of the A1A project discussed above.)

- Explore options, including possible enforcement, for increasing participation by additional BWRGWMA water users in a longer-term management plan. (This project will likely be a collaboration among the Advisory Committee, IDWR, and Water Districts 37 and 37B.)

- Investigate and evaluate the correlation between depth-to groundwater and stream flows as a predictive tool, especially with respect to in-season flows and application to groundwater season of use. (The BWRGWMA technical working group has begun this project.)

Meanwhile, the Advisory Committee also respectfully requests the following adjustments to the current management plan as part of the proposed three-year extension.

- Modify "Table 1", Section V.2 (page11) to include a "Wet" Irrigation Season Water Supply row when the Irrigation Season Water Supply Forecast exceeds 270 KAF or exceeds 240 KAF with at

least 90 KAF of carryover storage in Magic Reservoir on January 1. In "Wet" years, there would be no requirement for fallowing (Section V.1.A) as a baseline management action. The "June 1 Forecast Column" would be changed to a "Status of Baseline Management Action" column. A representation of the proposed "Table 1", Section V.2 is shown below...

Table 1: Recommended forecast water supply tiers and additional management actions

Irrigation Season Water Supply	Avg. of Apr-Sep Volume Forecasts (KAF)	Recommended Additional GWCU Reduction (AF) Based on April 1 Forecast	Status of Baseline Actions*
Wet	≥270 -or- <270 but ≥240 with ≥90KAF Magic Res carryover on Jan 1	-	Snake Storage: Not likely needed Fallowing: Eliminated Season of Use: Retained (reduction required)
Adequate	≥210 but < "Wet"	-	All Retained (required)
Dry	≥155 but <210	1,275	All Retained (required)
Very Dry	≥100 but <155	11,260	All Retained (required)
Extremely Dry	<100	17,016	All Retained (required)
*Storage water as needed for the Big Wood below Magic users since Magic Res carryover does not benefit them.			

- Modify the fallowing requirement as a baseline management action (Section V.1.A) as follows:

  Item 1. Within SVGWD at least 1,000 acres/yr.

  Item 2. GGWD will fallow at least 200 acres within its district boundary &/or outside its district boundary but within the BWRGWMA west of Highway 75.

- Modify the Ground Water Irrigation Season of Use Limits as a baseline management action (Section V.1.B) as follows:

  Ground water users will not irrigate before May 1 or after September 15. Exceptions to the September 15 shut off date may be:

  1. Irrigation to permit harvest of potatoes
  2. Irrigation to sustain market garden and commercial nursery operations
  3. Cover crop irrigation to permit certification of organic operations
  4. Irrigation of perennial grass pastureland
  5. Irrigation of public space for community events and of athletic fields for teams still in season

- Modify the CIEF contribution by the Cities, Sun Valley Water & Sewer District, and Sun Valley Company (Section V.1.C.1) by increasing the $10.00 per acre-foot contribution rate to a $20.00 per acre-foot contribution rate.

- Modify the cloud seeding contribution by the Cities, Sun Valley Water & Sewer District, and Sun Valley Company (Section V.1.F) from $3.60 per acre-foot to $ 5.00 per acre-foot. Of the $5.00 per acre-foot designated for cloud seeding operations, $2.50 is for annual operations and $2.50 is for additional cloud seeding infrastructure.

- Modify Sections V.C and V.D to remove responsibility for acquiring storage water from Galena Ground Water District and assign the duty for acquiring storage water to the CIEF Committee using CIEF funds.

- Modify the "Other Actions" (Section VIII) to remove the moratorium petition item, add three-year action items from the list above (if not already listed), and add the following item:

    - The Parties agree to discuss with the USGS options to increase monitoring, calibration, and maintenance of stream gauges within Water Districts 37 & 37B, with a special emphasis placed on the Sportsman's gauge on Silver Creek.

- Modify the "Snake River Storage Delivery " (Section V.1.D.) to adjust the amount required to be delivered to the Little Wood River from 1,500 AF/yr. (1,755 AF/yr. total with 17% conveyance loss) to "up to 3,500 AF/yr. (4,095 AF/yr. total with 17% conveyance loss) on an as needed basis." Adjust the amount to be delivered to the Big Wood River from 913 AF/yr. (1,100 AF/yr. total with 17% conveyance loss) to "up to 913 AF/yr. (1,100 AF/yr. total with 17% conveyance loss) on an as needed basis." A copy of the proposed changes to Section V.1.D is included with this letter.

- Include a new requirement for the Galena Ground Water District to contribute to the CIEF at a rate of $25.00 per acre-foot to be specifically earmarked for storage water acquisition. It is suggested that this new requirement be added in the Conservation, Infrastructure, and Efficiency Fund ("CIEF") (Section V.1.C) portion of the plan.

- Modify the Conservation, Infrastructure, and Efficiency Fund ("CIEF") (Section V.1.C.6.) to allow the CIEF to create separate accounts for storage acquisition, cloud seeding, and projects.

- Modify Section V.1.D to direct the CIEF to acquire all Snake River storage water for delivery to the Little Wood River and Big Wood River.

- Incorporate the language agreed upon during the June 13, 2024, Advisory Committee meeting addressing the development of minimum stream flow rights into the background discussion (Section II.) of the plan. A copy of the proposed changes to Section II is included with this letter.

- Incorporate the Goals and Strategies language agreed upon during the September 18, 2024, Advisory Committee meeting into the Management Plan Goals Section (Section IV) of the plan. A copy of the proposed changes to Section IV is included with this letter.

- Move all annual reporting requirement references to a new section in the plan and adjust reporting dates to February 15th of the next year.

- Modify the CIEF contribution by the Water District 37B Ground Water Association (Section V.1.C.2) by increasing the annual $10,000.00 contribution to an annual $20,000.00 contribution. Of the $20,000.00 contribution, $10,000.00 will be designated specifically for cloud seeding operations.

Section VII (page 12) of the current BWRGWMA plan states, "The Management Plan may be extended beyond December 31, 2024, by written consent of all the Parties and with approval by IDWR." Approval of a three-year extension of the BWRGWMA Management Plan, with the recommended adjustments, would allow the Advisory Committee to further explore options for a better long-term (10 to 15 year) management plan and provide continuity from December 31, 2024. The Advisory Committee respectively recommends an extension of the current plan, subject to the items outlined in this letter. Thank you for the opportunity to participate in these important deliberations.

Sincerely,

Corey Allen, Sun Valley Company

Cooper Brossy, Big & Little Wood Water Users Association (BWLWWUA)

Rod Hubsmith, American Falls Reservoir District 2 & BWLWWUA

Pat McMahon, Galena Ground Water District

Carl Pendleton, Big Wood Canal Company

Pat Purdy, Picabo Livestock Company

William Simon, Camas Prairie Water Users

Justin Stevenson, South Valley Ground Water District

Nick Westendorf, BWLWWUA

Brian Yeager, City of Hailey

- Move all annual reporting requirement references to a new section in the plan and adjust reporting dates to February 15th of the next year.

- Modify the CIEF contribution by the Water District 37B Ground Water Association (Section V.1.C.2) by increasing the annual $10,000.00 contribution to an annual $20,000.00 contribution. Of the $20,000.00 contribution, $10,000.00 will be designated specifically for cloud seeding operations.

Section VII (page 12) of the current BWRGWMA plan states, "The Management Plan may be extended beyond December 31, 2024, by written consent of all the Parties and with approval by IDWR." Approval of a three-year extension of the BWRGWMA Management Plan, with the recommended adjustments, would allow the Advisory Committee to further explore options for a better long-term (10 to 15 year) management plan and provide continuity from December 31, 2024. The Advisory Committee respectively recommends an extension of the current plan, subject to the items outlined in this letter. Thank you for the opportunity to participate in these important deliberations.

Sincerely,

Corey Allen, Sun Valley Company

Cooper Brossy, Big & Little Wood Water Users Association (BWLWWUA)

Rod Hubsmith, American Falls Reservoir District 2 & BWLWWUA

Pat McMahon, Galena Ground Water District

Carl Pendleton, Big Wood Canal Company

Blue Highlighted Section(s) to be added

II. BACKGROUND

The BWRGWMA includes that portion of the Big Wood River drainage upstream from Magic Reservoir, including the Camas Prairie aquifer system. The BWRGWMA also includes the upper Silver Creek drainage in the vicinity of Picabo, Idaho. A map of the BWRGWMA is included in this Management Plan as Appendix B.

The upper Wood River Basin hydrologic system is comprised of four main arterial streams: the Big Wood River, Silver Creek, the Little Wood River, and Camas Creek. "Aquifers underlying the Wood River Basin include the Camas Prairie aquifer system, the Wood River Valley aquifer system, the ESPA [Eastern Snake Plain Aquifer], and small local aquifers in the upper Little Wood River valley."[1] Appendix C contains a bibliography of documents characterizing the Wood River Basin hydrologic system.

The following three findings of fact from the Management Area Order summarize IDWR's reasons for establishing the BWRGWMA:

> The surface and ground waters of the Big Wood River drainage are interconnected. Diversion of ground water from wells can deplete the surface water flow in streams and rivers. New ground water uses can also deplete available supplies for other users and affect basin underflow which presently accumulates in the Magic Reservoir.
>
> There are a number of Applications for Permit to Appropriate Water pending before the department which propose additional consumptive uses of ground water within the Big Wood River drainage.
>
> Injury could occur to prior surface and ground water rights including the storage right in Magic Reservoir if the flows of streams, rivers and ground water underflow in the Big Wood River Basin are intercepted by junior priority ground water diversions.

Early water management practices in the Big Wood River basin focused on surface water. By 1915, watermasters were administering Big Wood River water rights and Little Wood River water rights by priority. By 1980, IDWR recognized that surface water was fully appropriated upstream of Magic Reservoir in the Big Wood River drainage during the irrigation season and stopped issuing water right permits for new irrigation season consumptive uses there. In the 1970s and 1980s the Idaho Water Resource Board applied for a series of minimum stream flow water rights on the Big Wood River, Little Wood River, and Silver Creek to preserve flows for wildlife, recreation, and related instream values. The reasons for appropriating minimum stream flow water rights are discussed in Idaho Code and the Idaho State Water Plan.[2] The minimum stream flow water rights, now decreed by the Snake River Basin Adjudication ("SRBA") district court, are listed in Appendix G. Consistent with the prior appropriation

---

[1] August 28, 2015, memorandum from Jennifer Sukow to Gary Spackman about "Hydrology, hydrogeology, and hydrologic data, Big Wood & Little Wood Water Users Association delivery calls, CM-DC-2015-001 and CM-DC-2015-002".

[2] Idaho Water Resource Board, 2012, Idaho State Water Plan, https://idwr.idaho.gov/wp-content/uploads/sites/2/iwrb/2012/2012-State-Water-Plan.pdf.

doctrine, the minimum stream flow water rights, with their relatively junior priority dates, do not limit diversion and use of water pursuant to prior water rights. Furthermore, because conjunctive administration of surface and ground water rights was not yet implemented, the minimum stream flow water rights did not affect the administration or development of ground water rights.

By 1991, IDWR established a ground water management area for the Big Wood River drainage with an associated management policy for the subsequent appropriation of ground water rights. The primary management strategy in the 1991 Policy was to restrict the approval of new ground water appropriations in the BWRGWMA. Under the 1991 Policy, IDWR has not approved new appropriations of ground water for non-domestic consumptive uses within the BWRGWMA, unless the applicant mitigated for depletions that would injure senior surface water and ground water rights. These restrictions minimized new depletions of water in the BWRGWMA after 1991.

While the 1991 Policy limited the development of new ground water appropriations in the BWRGWMA, water users remained concerned about the impacts of ground water diversions on both ground water and surface water sources in the Wood River Basin. Work to resolve the concerns largely paused while the Snake River Basin Adjudication ("SRBA") determined the elements of existing water rights, including those in the Wood River Basin. As the SRBA ended for non-de minimis water rights, the desire for conjunctive administration of surface and ground water rights by priority came into focus in much of the SRBA area. In the Wood River Basin, IDWR responded by cooperating with the water users and with other agencies to bolster its ability to manage water resources. Items accomplished include:

- 2010 – In cooperation with the U.S. Geological Survey ("USGS"), IDWR began a program to expand the existing hydrologic monitoring network in the Wood River Valley with the installation of four stream gages in the Wood River Valley.

- 2011 – IDWR issued an order creating the Upper Wood Rivers Water Measurement District and required ground water users to install measuring devices prior to the 2014 irrigation season.

- 2012 – In cooperation with the USGS, IDWR began work on development and calibration of a numerical ground water-flow model for the Wood River Valley, including Silver Creek and the Bellevue Triangle area.

- 2013 – IDWR issued an order (a) combining water districts for the Big Wood River, the Little Wood River, and Silver Creek into Water District 37 ("WD37"); (b) adding ground water rights from the Upper Big Wood River valley above Magic Reservoir and the Silver Creek drainage to WD37; and (c) abolishing the Upper Wood Rivers Water Measurement District.

- 2015 - 2016 – Ground water users within the Wood River valley formed the South Valley Ground Water District ("SVGWD") and the Galena Ground Water District ("GGWD").

- 2016 – USGS published a final report documenting version 1.0 of the Wood River Valley Groundwater-Flow Model.[3]

[3] Fisher, J.C., Bartolino, J.R., Wylie, A.H., Sukow, Jennifer, and McVay, Michael, 2016, Groundwater-flow model of the Wood River Valley aquifer system, south-central Idaho: U.S. Geological Survey Scientific Investigations Report 2016–5080, 71 p., http://dx.doi.org/10.3133/sir20165080.

- 2019 – IDWR published a final report documenting recalibrated version 1.1 of the Wood River Groundwater-Flow Model.[4]

- 2019 – IDWR published a summary of ground water conditions in the BWRGWMA.[5]

Meanwhile, water users within WD37 pursued options to conjunctively manage water rights from hydraulically connected surface and ground water sources in the Wood River Basin.

- 2015 – The Big Wood and Little Wood Water User's Association ("BWLWWUA") initiated two water right delivery calls pursuant to IDWR's Conjunctive Management Rules (IDAPA 37.03.11). Citing procedural issues, IDWR dismissed the delivery calls in 2016.

- 2017 – The BWLWWUA filed another water right delivery call pursuant to IDWR's Conjunctive Management Rules. IDWR dismissed the delivery call in 2017 upon determining that the BWLWWUA lacked standing to bring a delivery call.

- 2018 through 2020 – In an effort to avoid further conjunctive management water delivery calls or administrative actions, ground water, and surface water users within WD37 met informally to negotiate ground water management and mitigation strategies.

In September 2020, the GGWD and SVGWD submitted a draft BWRGWMA ground water management plan to IDWR. In October 2020, the BWLWWUA and Big Wood Canal Company ("BWCC") submitted a draft agreement proposing elements of, and a road map to, the development of a conjunctive management plan for ground water and surface water rights in the BWRGWMA. In response to the two proposals, IDWR Director Gary Spackman ("Director") formed an advisory committee to draft a new management plan for the BWRGWMA. From the fall of 2020 through the spring of 2021 the advisory committee met approximately biweekly to learn from experts about the hydrology and hydrogeology of the Wood River Basin and to evaluate management plan options for the BWRGWMA.

On May 4, 2021, in response to severe drought conditions causing water supply shortages in the Wood River Basin, the Director initiated administrative proceedings for the Wood River Basin. On June 28, 2021, the Director issued an order curtailing junior ground water rights in the Bellevue Triangle area of the BWRGWMA to increase the supply of water to senior water right holders in the Silver Creek and

---

[4] Idaho Department of Water Resources, 2019, Groundwater-Flow Model for the Wood River Valley Aquifer System, Version 1.1, A. Wylie, J. Sukow, M. McVay, J. Bartolino, 39 p., https://idwr.idaho.gov/wp-content/uploads/sites/2/projects/wood-river-valley/20190627-Groundwater-Flow-Model-forthe-Wood-River-Valley-Aquifer-System.pdf.

[5] Idaho Department of Water Resources, 2019, Summary of Ground Water Conditions in the Big Wood River Ground Water Management Area, 2019 Update, Allan Wylie, 79 p., https://idwr.idaho.gov/wp-content/uploads/sites/2/publications/20190920-Summary-Groundwater-Conditions-Big-Wood-River-GWMA-2019-Update.pdf.

Little Wood River drainages.[6] On July 8, 2021, the Director approved the ground water users' mitigation plan and stayed the curtailment order. Prior to submitting the mitigation plan, the parties to the administrative proceedings -- including GGWD, SVGWD, and BWLWWUA -- signed a settlement document that included, among other things, a commitment to collaborate with the advisory committee to submit a proposed ground water management plan for the BWRGWMA to the Director by December 1, 2021. The advisory committee resumed meeting on August 9, 2021.

By January 2022 the advisory committee negotiated the elements of the *Big Wood River Ground Water Management Area Advisory Committee Groundwater Management Plan Term Sheet* ("Term Sheet") describing various management actions intended to "inform the development of a ground water management plan pursuant to Idaho Code § 42-233b, support the delivery of water to senior surface water rights, support stream health, and improve and maintain aquifer health." A copy of the Term Sheet is attached herein as Appendix D.

Representatives of the following entities signed the Term Sheet: BWLWWUA, BWCC, SVGWD, GGWD, Sun Valley Company ("SVC"), City of Hailey, Water District 37B Ground Water Association ("WD37B GWA"), City of Bellevue, City of Ketchum, and Sun Valley Water and Sewer District ("SVWSD"). All of these entities are collectively referred to in this Management Plan as the "Term Sheet Parties" or "Parties." The Cities of Bellevue, Ketchum, and Hailey are collectively referred to in this Management Plan as the "Cities." SVGWD and GGWD are collectively referred to in this document as the "GWDs." The Cities, SVWSD, and SVC also prepared the *Cities/SVWSD/SVC Term Sheet RE: Big Wood River GWMA Management Plan* ("Cities-SVSWD-SVC Term Sheet") to further address their contributions to the Management Plan. The Cities-SVSWD-SVC Term Sheet is included as Appendix A to the Term Sheet found in Appendix D of this Management Plan.

---

[6] SVGWD and GGWD sought judicial review of the Director's decision. See South Valley Ground Water District v IDWR, Case No. CV07-21-00243. On February 10, 2022, the district court issued a Memorandum Decision and Judgement which affirmed in part, and set aside and remanded in part, the Director's decision. IDWR filed a Notice of Appeal of the district court's decision with the Idaho Supreme Court on March 24, 2022. The appeal is currently pending.

Appendix G

Minimum stream flow water rights

Water Right No.	Basis	Source	PriorityDate	Max Flow Rate (cfs)	Water Use	Owner
37-7919	Decreed	BIG WOOD RIVER	6/19/1981	70.0	MIN. STREAM FLOW	STATE OF IDAHO
37-8258	Decreed	BIG WOOD RIVER	1/16/1986	200.0	MIN. STREAM FLOW	STATE OF IDAHO
37-8307	Decreed	BIG WOOD RIVER	10/16/1987	119.0	MIN. STREAM FLOW	STATE OF IDAHO
37-7739	Decreed	LITTLE WOOD RIVER	9/29/1978	39.0	MIN. STREAM FLOW	STATE OF IDAHO
37-7727	Decreed	SILVER CREEK	9/13/1978	99.0	MIN. STREAM FLOW	STATE OF IDAHO
37-7728	Decreed	SILVER CREEK	9/13/1978	74.0	MIN. STREAM FLOW	STATE OF IDAHO
37-7849	Decreed	SILVER CREEK	8/26/1980	74.0	MIN. STREAM FLOW	STATE OF IDAHO

IV. MANAGEMENT PLAN GOALS

~~The main goal of this Management Plan is "to manage the effects of ground water withdrawals on the aquifers from which the withdrawals are made and any other hydraulically connected sources of water." *Idaho Code § 42-233b*. In doing so, the parties have agreed upon management actions that include, among other elements described herein, maintaining a 32 cfs four-day moving average streamflow target from May 1 through September 30 at Station 10, Little Wood River near Richfield (see figure 1). The benefits of managing the effects of ground water withdrawals and maintaining 32 cfs at Station 10 include supporting the supply of water for senior surface water rights, supporting stream health, and improving and maintaining aquifer health. For BWRGWMA ground water users who participate in and abide by the terms of this Management Plan, adoption of the Management Plan establishes safe harbor from curtailment. *Idaho Code § 42-233b*.~~

GOALS

- Manage the effects of ground water withdrawals within the Big Wood Ground Water Management Area on hydraulically connected surface water sources to benefit senior surface water rights in the Big and Little Wood Rivers, as authorized by Idaho Code 42-233b.

- Provide seasonal predictability of available surface and ground water supplies for all users such that they can develop practical plans to optimize their use.

- Establish safe harbor from time priority curtailment for BWRGWMA ground water users who participate in and abide by the terms of this Management Plan.

The expected benefits of achieving the above goals through management of ground water and hydraulically connected surface water include:

  - Stream flows that serve senior water rights above and below the Timmerman Hills
  - Access to ground water resources scaled to each year's water supply forecast
  - Reduced conflict around water delivery
  - Water to support stream and riparian habitats

STRATEGIES

- Develop and implement a suite of methods for ground water users to mitigate for the impacts of their water use on senior water rights.

- Vary management plan actions to account for the differences in aquifer conditions and hydraulically connected stream flows in wet years and dry years.

- Develop and distribute funding for local water conservation, efficiency, and infrastructure improvements.
- Encourage continual improvements in water supply forecasting for the Wood River watershed.
- Incentivize all ground water users in the ground water management area to implement the management plan and abide by its terms.
- Continue the Order Establishing Moratorium for the Big Wood River Ground Water Management Area.
- Increase enforcement of water rights by priority according to the statutes among those not participating in the plan.

D. Snake River Storage Delivery

Ground water users will contribute funds annually to the CIEF for the purpose of acquisition and delivery of storage water from the Snake River to the BWLWWUA. Storage water from the Snake River will be delivered via the Milner-Gooding Canal and injected into 1) the Little Wood River for re-diversion from the Little Wood River by BWLWWUA members holding senior priority water rights from the Little Wood River, and 2) laterals within American Falls Reservoir District No. 2 for re-diversion by BWLWWUA members holding senior priority water rights from the Big Wood River. Delivery of this storage water will directly benefit holders of downstream senior surface water rights, thereby reducing some demand for delivery of available natural flow to fill downstream senior water rights. Any reduced demand for available natural flow downstream is intended to benefit holders of upstream senior surface water rights.

Before the end of April each year, the CIEF and representatives from BWLWWUA will review the water supply predictions for the watershed and consult BWCC managers regarding the potential season length of BWCC deliveries to gage the potential need for storage water. Following the recommendations of BWLWWUA and the BWCC, the CIEF Committee shall secure a source for the potential storage water volume needed no later than 15 calendar days after the "Date of Allocation"[1] on the Snake River system. The CIEF Committee and BWLWWUA shall continue to evaluate the need for storage water after the Date of Allocation and the CIEF shall purchase storage water from the secured source on an as-needed basis upon request from BWLWWUA representatives.

Storage water may be delivered during the irrigation season between May 1 and September 30, subject to Water District 01 (Snake River) storage water allocation procedures and available delivery capacity in the Milner-Gooding Canal. The amount of storage water delivery shall be as follows:

1. The amount of storage water delivery to the Little Wood River shall be up to 3,500 AF/yr (4,095 AF/yr total purchased with 17% conveyance loss) on an as-needed basis.

2. The amount of storage water delivery to the Big Wood River shall be up to 913 AF/yr. (1,100

AF/yr. total with 17% conveyance loss).

3. Purchased but unused storage water can be marketed after September 30. Proceeds of any unused storage water purchased through the CIEF that is marketed at the end of the irrigation season shall return to the CIEF.

4. Water District 37 shall report annual storage water deliveries to the BWRGWMA Advisory Committee, IDWR, and IWRB each year by December 1. The report shall show the amount of water delivered to each user and the locations of delivery.

---

[1] The Date of Allocation typically occurs between late May and early July and represents the date when streamflow in the Snake River system is no longer sufficient to supply the demand and the use of supplies of storage water begins. On this date, suppliers of Snake River storage water will have high confidence regarding the water year and how much water is available for purchase.

EXTENSION OF FINAL BIG WOOD RIVER GROUND WATER MANAGEMENT AREA MANAGEMENT PLAN

APPENDIX G

Wood River Resource Conservation and Development Council Resolution

Wood River
Resource Conservation & Development

141 7th Avenue East Gooding, Idaho 83330
208-934-5053

"Our mission is to marshal the resources of the Wood River RC&D Council and to collaborate with other organizations, partners, and individuals to enhance people's lives and the environment in Blaine, Camas, Gooding, and Lincoln Counties, Idaho by following our Annual Plan of Work"

Meeting February 3, 2022
Dinner 6pm Gooding Hotel B&B

Sponsor Members:	
Polly Huggins	Gooding Soil
Carol Reagan	Camas County 4H
Joy Cimmiyotti	Wood River RC&D
Diane Houser	City of Gooding
Carl Pendleton	Wood River Soil Water
Joanne Rutler	Lincoln County Commissioner
Terry Ruby	Tri County CWMA
Shelley Keen	IDWR
Tim Luke	IDWR
Pat McMahon	Galena GWP
Chris Johnson	Blaine SCD

Chair Polly Huggins opened the meeting at 6:05pm. Introductions were made.

The agenda was reviewed. There were no changes.

Treasurer's Report:
Terry Ruby reviewed the balance sheet for both the WRRC&D and Southern Idaho Bio Control.

Carl moved to accept the Treasurer's report as given. Chris seconded. The motion carried.

Correspondence:
None.

Minutes
The council minutes for January were reviewed.

Joanne moved to accept the minutes as presented. Carl seconded. The motion carried.

Old Business:
Carol Reagan talked about the multi-plex project proposal for a building on city donated land at the city park in Fairfield. The building would be for a year- round facility (the current building can only be used May-August). The time frame for the construction of the building is 3 years. There are individuals who want to contribute to the project. The Wood River RC&D would be the fiscal agent and fees for service would be sliding fees based on the size of the donation.

Terry moved to accept the proposal as presented with the sliding fees. Diane seconded. The motion carried.

New Business:
Tim Luke from Idaho Water Resources gave a presentation of a proposed funding opportunity for the WRRC&D to be fiscal agent for funds from ground water users. He provided an in-depth discussion of the water program. The RC&D would set up two additional separate accounts for the funds: 1: SCIPE Infrastructure (snowpack enhancement $3.60/acre foot).2. CIEF Infrastructure account ($10.00/acre foot.) The sliding fees for service was discussed. The fees would be applied as the funds are received by the WRRC&D Council. The CIEF committee will make the final determination and request for funds disbursement (in writing with two signatures.) A quarterly report would be provided to the CIEF committee and IDWR Department representative to reflect funds received from the users. The management plan term sheet is a part of these minutes.

Chris moved to accept the above proposal using the SCIPES sliding fee schedule. Terry seconded. The motion carried.

Carl Pendleton –
Carl talked about January cloud seeding results.

Polly Huggins-
Polly reported to the council that the grant that Mike Peterson was writing would not be going through the RC&D at this time as it had to go through a city or county entity. He will re-submit next year and will try to get it accepted by the group to go through the RC&D. Other ideas were given for him to try such as the conservation district or Blaine Count Rec. Polly would give him a call and suggest that he try using either one of the programs.

Polly also provided the council with news on her health.

There being no further business Terry moved to adjourn the meeting at 7:30pm. Chris seconded. The motion passed.

The next meeting will be March 3, 2022 at the Gooding Hotel Bed and Breakfast

Wood River
Resource Conservation & Development

141 7th Avenue East Gooding, Idaho 83330
208-934-5053

"Our mission is to marshal the resources of the Wood River RC&D Council and to collaborate with other organizations, partners, and individuals to enhance people's lives and the environment in Blaine, Camas, Gooding, and Lincoln Counties, Idaho by following our Annual Plan of Work."

Sliding fee schedule for the Big Wood River Ground Water Management Area Conservation, Improvement, and Efficiency Fund (same schedule as Wood River Cloud Seeding Program)

Donations above $100,000 would be 2%

$10,000 to $99,999 5%

$1,000 to $9,999 7%

Less than $1,000 10%

EXTENSION OF FINAL BIG WOOD RIVER GROUND WATER MANAGEMENT AREA MANAGEMENT PLAN

APPENDIX H

IDAHO WATER RESOURCE BOARD RESOLUTION NO. 56-2024
RESOLUTION TO MAKE A FUNDING COMMITMENT IN THE MATEER OF THE BWRGWMA MANAGEMENT PLAN – CONSERVATION, INFRASTRUCTURE, AND EFFICIENCY FUND

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE BIG WOOD RIVER GROUND WATER MANAGEMENT AREA MANAGEMENT PLAN – CONSERVATION, INFRASTRUCTURE, AND EFFICIENCY FUND	RESOLUTION TO MAKE A FUNDING COMMITMENT

WHEREAS, in October 2020, the Director of the Department of Water Resources formed an Advisory Committee to draft a new management plan for the Big Wood River Ground Water Management Area (BWRGWMA) in response to proposals for a conjunctive use management plan for the BWRGWMA; and

WHEREAS, on May 4, 2021, in response to severe drought conditions causing water supply shortages in the Wood River Basin, the Director initiated administrative proceedings for the Wood River Basin. On June 28, 2021, the Director issued an order curtailing junior groundwater rights in the Bellevue Triangle area of the BWRGWMA to increase the supply of water to senior water right holders in the Silver Creek and Little Wood River drainages. On July 8, 2021, the Director approved the groundwater users' mitigation plan and stayed the curtailment order. Prior to submitting the mitigation plan, the parties to the administrative proceedings signed a settlement document that included a commitment to work with the Advisory Committee to submit a proposed groundwater management plan for the BWRGWMA to the Director by December 1, 2021.

WHEREAS, by January 2022 the Advisory Committee negotiated the elements of the BWRGWMA Advisory Committee Groundwater Management Plan Term Sheet ("Term Sheet") describing various management and mitigation actions intended to "inform the development of a groundwater management plan pursuant to Idaho Code § 42-233b, support the delivery of water to senior surface water rights, support stream health, and improve and maintain aquifer health;" and

WHEREAS, on May 4, 2022 the Director approved the Big Wood River Ground Water Management Area Plan which contains certain management actions, including ground water use reduction, funding for the cooperative cloud seeding program in the Wood River Basin, Snake River storage water delivery, and establishment of a Conservation, Infrastructure, and Efficiency Fund (CIEF); and

WHEREAS, the CIEF was developed to be used for infrastructure improvements and other permanent measures that improve the efficiency of delivering senior water rights, protect groundwater levels, increase surface water flows, and for purchasing storage water. Ground water users will contribute to the CIEF as specified in the BWRGWMA Management Plan; and

WHEREAS, the BWRGWMA Management Plan Advisory Committee requested the IWRB match the amounts ground water users contribute to the CIEF, up to a maximum of $200,000 annually; and

WHEREAS, the CIEF committee, established by the Advisory Committee, will select projects on which to use the CIEF funds, and the IWRB will have a representative on that committee to be appointed by the IWRB Chair; and

WHEREAS, providing matching funds for CIEF-funded projects is consistent with the purpose of the IWRB's Secondary Aquifer Planning, Management, and Implementation Fund; and

WHEREAS, on April 2022 the IWRB passed resolution 14-2022 authorizing a commitment of funds not to exceed $200,000 annually from the Secondary Aquifer Planning, Management, and Implementation Fund for three years (FY2023, FY2024, FY2025) to match funds groundwater users contribute to the CIEF; and

WHEREAS, the term of the Management Plan was three (3) years, and it automatically expires on December 31, 2024; and

WHEREAS, October 30, 2024, the Advisory Committee negotiated recommendations for a three-year extension of the Big Wood River Ground Water Management Area Management Plan and submitted them by letter to the Director for approval; and

NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes a commitment of funds not to exceed $200,000 annually from the Secondary Aquifer Planning, Management, and Implementation Fund, for the next three years (FY2026, FY2027, FY2028), on a dollar-for-dollar match, for those funds the ground water users contribute to the CIEF.

NOW, THEREFORE BE IT FURTHER RESOLVED that this commitment of funds is subject to the Director's approval/extension of the Big Wood River Ground Water Management Area Management Plan.

NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes its chairman or designee, to execute the necessary agreements or contracts for the purpose of this resolution.

NOW, THEREFORE BE IT FURTHER RESOLVED that after this three-year period, an amount at least equal to the IWRB's contribution to the CIEF shall be committed for conservation, infrastructure, and efficiency projects.

DATED November 22, 2024.

JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST 
DEAN STEVENSON, Secretary