

To BWR GWMA Advisory Committee, Interested Parties & IDWR Staff,

All,

The following is for your consideration in advance of the next GWMA Advisory Committee meeting. It reflects comment I intend to provide at the meeting.

The GWMP may have worked over the past two years when water supply was adequate, but it is not working in this very dry year. By “not working,” I mean administration of water distribution in Basin 37 under the Plan is impacting senior surface waters users like me unfairly. Little Wood/Silver Creek was cut suddenly to 5/15/1884 on July 22. That priority date only was reinstated August 18. Meanwhile, daily flows at Station 10 fell below the 32 cfs target a total of 34 days between June 15 & August 21; five times for four or more days consecutively, three of those times for more than four days. The current streak is seven days.

The reinstatement may be due to the input of storage water. It had been my hope that as storage water is supplied to the BLWWUA, upstream users like me might benefit indirectly as demand pressure on the system was relieved to some extent. (The plan articulates this.) Storage water purchased through the CIEF is being delivered, however this effect has yet to happen so far this year. Average daily flow at Station 54 from August 1-21 has been about 42.18cfs.

There has been no communication from anywhere or anyone as to how these low flows are being mitigated by groundwater users, if at all, whether the watermaster got involved, etc. [NOTE: I am aware that as of today, August 22, South Valley GWD has issued a 50% curtailment notice. The impact of this curtailment is minimized, given that all grain in the upper basin has been harvested or is finished by now anyway.] My suspicion is some of the larger surface right holders may have stepped in to avoid action by groundwater users, which is not what the plan contemplates & which likely would affect my water source differently than if groundwater extraction were curtailed. The Plan calls for action after a “four-day moving average” threshold. It is silent on what happens

when the flow target is not met over 40% of the time (just not always on consecutive days).

These circumstances are deeply frustrating to me as a senior surface water rights holder (1886 & 1887) & I consider them quite unfair. My decreed water source is a spring creek that flows year round on average in the 10-14cfs range. My meager water rights total .29cfs, yet I am not permitted to irrigate. Meanwhile, groundwater users throughout the Bellevue Triangle are permitted under the Plan to continue pumping through the summer unabated & uncurtailed. The Plan even allows groundwater to be used for pasture irrigation later than the September 15 cutoff. I irrigate pasture, but am given no such exemption.

In my opinion, remedies under the GWMP could/should include the following:

1) Timely enforcement when flow targets are not met. Amendment or addition(s) to the “four-day moving average” criterion should be considered & may be warranted. Perhaps flow targets at another existing or new gauging station or stations ought to be added to the mix.

2) An amendment requiring cuts to groundwater diversions as surface water curtailments occur during the irrigation season. A distinct but related or correspondent priority scale would have to be developed for this purpose. Under this approach, priority cuts to groundwater would occur simultaneously & perhaps proportionately with priority cuts to surface water. A simplistic example is, as cuts to 4/1/1889 are ordered, 4/1/1981 or junior groundwater use is curtailed, etc., on a continuum.

3) Amendment to the April adequate/dry year criteria to include the factor of soil moisture, in order to account for soil absorption of snowmelt. The management determination for 2025 was “adequate,” yet the water supply has been inadequate & clearly less than 2024.

4) Incorporation of groundwater depletion data into management considerations. (The groundwater caucus argues the aquifer is too permeable to consider how retention affects surface flows, but too

impermeable to raise concern about how short-term depletion from pumping affects surface flows. Every analysis shows that groundwater -- i.e. depth to groundwater -- affects surface flows.)

5) Exemptions, if any, treat all irrigators equally.

Alternatively, I likely would support a determination & declaration by the Director of Basin 37 as an area of common groundwater supply, leading to administration under conjunctive management. This would entail abandonment of the groundwater management plan approach, which was adopted cautiously by the previous director. Nothing says this basin must be administered under the terms of a GWMP indefinitely. I have no doubt that at least the upper basin would meet the criteria for an ACGWS.

Hopefully, these comments will spark discussion in committee & I would anticipate some feedback telling me I don't know what I'm talking about & how "it" really is. Be that as it may, as things stand, it is my perception the Plan is not being enforced & short of amendment simply is neither fair nor equitable.

Respectfully,
Larry Schoen