DRAFT CITIES' SUPPLEMENT TO BIG WOOD RIVER GWMA MANAGEMENT PLAN

This document is proposed as a supplement to the Management Plan ("Plan") for the Big Wood River Ground Water Management Area ("GMWA") to address participation in the Plan by the Cities of Bellevue, Hailey, and Ketchum (collectively, the "Cities"). This is for discussion purposes only, and is not intended to commit any city to any particular statement or proposal. The Cities do not waive any claims or defenses with respect to their respective water rights or water uses or their potential groundwater pumping impacts on surface waters.

This supplement addresses the Cities' proposed contributions to the Plan only for their municipal water rights. [List to be attached.] The Cities are members of the Galena Ground Water District with respect to their irrigation water rights, and the Cities' irrigation under those rights is addressed in the Plan. Pursuant to Idaho Code Section 42-233b, the Cities propose that their municipal water rights will not be subject to delivery calls or administration on a time priority basis so long as the Cities are in compliance with the measures proposed in this supplement.

Aside from naturally occurring low snowpack and runoff events, agricultural irrigation groundwater pumping is the largest contributor to streamflow depletions in the Big Wood River, Silver Creek, and the Little Wood River. The Cities' municipal groundwater pumping represents a small fraction of total groundwater pumping in the GWMA according to the Wood River Valley Groundwater Flow Model v. 1.1. These figures are summarized in Table 1 below:

Table 1			
	Avg. Annual GW Diversions (AF)	**% of GWMA Model Domain**	**Comment**
GWMA Model Domain (1995-2014)	47,725		irr'n season GW CU / efficiency + Nov-Mar pumping
City of Bellevue (2016-2020)	377	1%	Based on WMIS data
City of Ketchum (2016-2020)	2,751	6%	Based on data from city
City of Hailey (2016-2020)	1,607	3%	Based on WMIS data
Total for Cities (2016-2020)	**4,735**	**10%**	

In addition to their relatively insignificant contribution to streamflow depletions, the Cities' groundwater use is substantially different than agricultural irrigation. A substantial portion of indoor uses are non-consumptive. And much of the Cities' pumping supplies *de minimis* "domestic purposes" within the limits of the definition set forth in Idaho Code Section 42-111. That statute defines "domestic purposes" as the "use of water for homes . . . 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." Also included in the definition are "[a]ny other uses, if the total use does not exceed a diversion rate of four one-hundreths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day." Under Idaho Code Section 42-227, water may diverted from a well for "domestic purposes" without obtaining a water right through the statutory application/permit/license process.

The Cities propose that municipal groundwater users not be required to mitigate for depletions to surface water under the Plan to the extent they are supplying *de minimis* domestic uses meeting Section 42-111's definition. This is consistent with the June 28, 1991 *Management Policy for the Big Wood River Ground Water Management Area* ("*GWMA Policy*"), which states that "[w]hile an incorporated city has wide latitude under state law to beneficially use its water rights for municipal purposes, and 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." *GWMA Policy* at 4. This also is consistent with the Director of IDWR's June 28, 2021 *Final Order, In the Matter of Basin 37 Administrative Proceeding* ("*2021 Order*"), which excludes "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." *2021 Order* at 38. This also is consistent with equitable treatment of domestic water users located inside and outside of city limits.

Excluding *de minimis* domestic uses supplied by a municipality also avoids incentivizing the use of individual "exempt" domestic wells instead of use of municipal water supply systems. Promoting the use of individual "exempt" domestic wells is not in the best interest of water users in the GWMA. Water use from individual "exempt" domestic wells is virtually unregulated except for the statutory limits of 1/2 acre of irrigation per home and 13,000 gallons per day. In addition, a proliferation of individual wells would increase the number of pathways by which contaminants could be introduced into the aquifer.

Conversely, supplying residential uses with municipal water supply benefits all water users in the GWMA. Municipal water suppliers can and do promote conservation of the water resource through mechanisms such as tiered rate structures and land use planning measures.

In light of these considerations, the Plan should seek to encourage supplying residential *de minimis* domestic uses through municipal water systems rather than through "exempt" domestic wells. Accordingly, municipal water supplied for *de minimis* domestic purposes—including indoor potable use and up to 1/2 acre of irrigation per home—is not included in the calculations of Cities' consumptive use upon which their proposed contributions to the Plan are based (see below).

For purposes of determining its relative contribution to the measures proposed in this supplement, the City of Hailey's non-*de minimis* consumptive use ("N-DCU") is calculated based on [INSERT]. The City of Bellevue's N-DCU is calculated based on [INSERT]. The City of Ketchum's N-DCU is calculated based on [INSERT]. Each City's N-DCU as of the date of this supplement is set forth in Table 2 below:

Table 2

City	Average Annual N-DCU (AF)
City of Hailey	
City of Ketchum	
City of Bellevue	
Total	

Following adoption of the Plan, each City's N-DCU will be updated each year.

The Cities propose the following measures as their contribution to the Plan:

1. Continued implementation of water conservation measures. Such measures may include:
    - promoting connection to the municipal water systems for uses otherwise authorized under I.C. § 42-111;
    - adopting tiered rate structures to incentivize less water use;
    - imposing timing and other restrictions for residential irrigation in dry years;
    - enacting ordinances with maximum lot size and irrigated area targets for new development; and
    - approving development-specific conservation requirements.

2. Funding contributions to Idaho Power's cloud seeding program. Each year, the Cities will contribute funds to cloud seeding projects undertaken by Idaho Power that directly benefit the Big Wood River Basin. Such funds will be used only for specific cloud seeding projects approved by the GWMA Advisory Committee (in consultation with Idaho Power and IDWR). Cities will each annually contribute $3.60[1] per AF of their respective N-DCU (as they are updated each year).

3. Investigating recharge project(s). Cities shall, in coordination with the GWMA Advisory Committee and IDWR, investigate potential recharge projects to benefit the Big Wood River above Magic Reservoir. Such recharge projects may utilize existing water rights held by the Cities as well as potential new appropriations of excess Big Wood River flows (i.e. flows existing in years that Magic Reservoir fills and/or releases water for flood control). The goal of such projects would be to recharge the aquifer at a distance from the river to create accretions to the river system at times when shortages to senior surface water rights are occurring. Additional analysis is needed to determine if and how any potential recharge project would benefit the senior surface water users.

[1] As of 2021, $3.60 per AF is the reported cost per AF of water resulting from Idaho Power's cloud seeding program.