

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-SVWSD-SVC Term Sheet") to further address their contributions to the Management Plan. The Cities-SVWSD-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