

Summary of Cities' Proposed Framework for Ground Water Management Plan (GWMP)

I. The facts related to ESPA storage suggest an extended time horizon to achieve the GWMP's goal is needed.

- a. “[A]n estimated 80 to 120 [MAF] of water is believed to be stored in the upper 200 feet of the [ESPA]”; “an estimated 200 to 300 [MAF] of water is stored in the upper 500 ft of the [ESPA]”; and the ESPA has an estimated total storage of “1 [BAF] of water.”¹
- b. “[T]he ESPA gained an estimated 17 [MAF] of storage” from 1912 to 1952 (40 years), due to incidental recharge from SW irrigation, and only “decreased by an estimated 13 [MAF]” from 1952 to 2013 (61 years), “at an average rate of approximately 200,000 AF per year.”² Thus, the ESPA still has greater storage today than it did pre-1912, under natural conditions, notwithstanding 72 years of “chronic declines.”³
- c. The ESPA is not only vast in size but has vast complexities – e.g., recharging 1 AF or reducing 1 AF of pumping does not necessarily equate to 1 AF in gained storage due to spring discharges (like filling a bucket that has a leak in the bottom).⁴
- d. A period of 5 years to arrest declines may not be achievable and the technical committee should review this.
- e. Thus, the Cities agree with the SW Users that an extended timeframe (e.g., 25 years) as a horizon to monitor and meet the GWMP's goal is reasonable and prudent, with the caveat that 5 years may not be long enough to arrest declines.

II. A technical committee must be empaneled both to develop the measure of a “reasonably safe supply” (the statutory standard for a GWMA) and to advise on the mechanisms by which a “reasonably safe supply” can be “ensure[d].”

- a. The purpose of the GWMP is to “provide the framework for managing ground water in the areas within the ESPAM 2.1 model boundary to ensure a reasonably safe supply of ground water for irrigation of cultivated lands or other uses in the basin.”⁵
- b. The GWMP's goal must be capable of being met by the imposition of measures that are reasonable and technically defensible.
- c. The GWMP should focus first on attainable results. Simply “picking a number” (or a year) and then hastily selecting a timeframe/mechanism to accomplish the benchmark is a recipe for disaster.

¹ G.F. Lindholm, *Summary of the Snake River Plain Regional Aquifer System Analysis in Idaho and Eastern Oregon*, United States Geological Survey (1996) at A1, A37.

² *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area* (Nov. 2, 2016) at 6-7, 19.

³ *See id.*; *see also* M. McVay, *ESPA Storage Changes Presentation* (Jan. 10, 2024) at 27 (data through 2023).

⁴ *See* M. McVay, *supra*, at 32; J. Sukow, *ESPA Water Budget Presentation* (Nov. 15, 2023) at 3, 23-24.

⁵ *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area* at 23.

- d. Thus, “restoring discharges and ground water levels to 2001 levels throughout the reaches of the Snake river, springs and within the ESPA” may not be reasonably achievable nor may it mean a “reasonably safe supply.”
- e. Whether “ensur[ing] a reasonably safe supply” requires *restoring* storage levels or merely *arresting* chronic declines should be a subject of discussion for the technical committee.

III. Cities’ ground water pumping represents less than 2% of total CU from ESPA pumping.

- a. The Cities’ consumptive use (CU) from GW pumping is roughly 40 KAF/year.⁶ Irrigators’ CU from ground water pumping is roughly 2.3 MAF/year.⁷
- b. The Cities’ *Settlement Agreement* and *Stipulated Mitigation Plan*,⁸ to which SWC and IGWA are parties, provide that the Cities’ mitigation obligations (7,650 AF/year) will be incorporated, without additional obligations, into the GWMP.

⁶ See *Cities’ Revised 2022 Mitigation Report* (Apr. 20, 2023) at Table 1 (annual pumping diversions are roughly 85,000 AF); *Sullivan Expert Report*, Snake River Basin Moratorium (Jul. 11, 2023) at Table 2-1 (Cities collectively consume roughly 46% of their diversions). 46% of 85,000 AF is 39,100 AF.

⁷ J. Sukow, *supra*, at 14.

⁸ IDWR Docket No. CM-MP-2019-001.