

# Eastern Snake River Plain Aquifer (ESPA) Comprehensive Aquifer Management Plan Framework Development Process

Summary of Public Comments Received  
Wednesday, October 18<sup>th</sup>, 2006  
KMVT Community Room, Twin Falls, Idaho

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The following comments were recorded during the facilitated discussion portion of the meeting, and by participants on comment cards provided at the event. Comments are reported here as recorded, with only minor edits for readability. They have been grouped under headings by the facilitators, and each box represents a comment from a separate individual or group (all parts of the comment may or may not pertain to the heading).

<b>What issues/concerns do you have related to the process of developing a Framework? General comments on what should be considered?</b>
Two basic questions to be answered by the legislative and judicial branches of state government. There are two kinds of rights, but the legislature hasn't defined those. Also economic – for every 40 acre you dry up, you lose one job. If you want a viable community, you have to replace those jobs with other industry.
My family has been here for five generations. Some pioneered the development of pumped irrigation in the SW and A&B systems. Doing that probably kept most of us in business. In the 70's there was a meeting to discuss the state of the aquifer, and folks hinted that it might be over appropriated. The state has over-appropriated the aquifer. Prior appropriation will work, but it will be a hardship for communities, and businesses (such as the sugar beet processing plant).
My family has been here close to 100 years. There is a myth that short water years don't hurt, but cropping patterns change (and revenue is lost). Some years there is a 20-30% curtailment in the water we get.
What impact is residential growth having on the aquifer? New houses, etc. Can we slow down the pace of the growth? What is the payoff to growing?
Water is a statewide issue. 6 out of 7 water users will experience similar problems, especially with population growth over the aquifer. We're not irrigating the same number of acres, and use of sprinklers has increased. This has had a double impact on recharge – wells and non-irrigation impacts too. CREP is a government program; during drought didn't irrigate lands, didn't pump 100%. The groundwater table lowered. FSA regulations state that land must have been irrigated within the last 2 years. Only 40k acres have entered in so far because of these regulations. Once land goes out of production under CREP, infrastructure is removed. The government may want to extend conservation measures, the cost of electricity will be higher – most of those acres will not return to production.
Question: Is there a minimum amount of water people should be granted without having to pay? Is there another level of usage – say, bare minimum for a household, and people should have to pay for more?
The Idaho Water Users Association has two resolutions that are applicable, regarding recharge

and conjunctive management. They can be found at [www.iwua.org](http://www.iwua.org). We supported Senate Concurrent Resolution 136 because it was forward-looking. It seemed the legislature was asking for a logical extension of the previous framework for settlement. We are going to have to come up with workable conjunctive management plans that are acceptable to all. This means physical solutions. When I watched the video clip about this process on the web, I walked away thinking that there was complete separation between administration and management, and I am glad to hear now that this is not the case. You can't do the job of the Supreme Court. On November 16<sup>th</sup>, we will have a panel on developing a management plan for the ESPA at our annual conference. January 23-25 is our annual meeting in Boise, attended by 300 people, which could be used to further this process. Prior appropriation brings predictability, certainty, stability. 1994 interim committee SRBA report should read this. We will be failing in our obligation to future generations if we don't resolve this issue. Physical solutions are what we need to get out of this process. We support recharge – supported recharge water rights applications. The department wanted to study this, and those applications are still pending with a 1998 priority date, should look at these. Willing seller/willing buyer transactions – if the state doesn't have recharge rights, what do they have to work with? In the Boise basin, talking about additional surface storage. If you can build [additional storage] in a basin that has excess water what opportunities does that create elsewhere in Idaho? We should be looking at these things. Not ruling out additional storage in ESPA. Don't have to be limited to above Milner. Have to think bigger that pieces of pie that is in front of us. Other states are building new dams –Buffalo, Wyoming is an example. Those kind of things can happen with state or private money. About a water use fee – our board rejected that idea, very difficult. This is a state issue. We put state money into the SRBA. Not in favor of a water use fee. Don't put cart before the horse – what are we paying for?

There is a direct correlation between spring flows and groundwater pumping. Also have to consider Judge Redman's decision. Pumps are going full blast while our water allocations have been brought down to ¾ or 5/8 of an inch. Why are they still running full blast? Need an equitable system – groundwater users should have to cut back when surface water users cut back. Water is everyone's problem. Could fund aquifer management through a quarter cent sales tax, managed by the IDR. Need to buy down some water rights and also look at water quality.

Idaho Power keeps us from pumping too much by the cost of electricity. Power generation costs and changes in irrigation practices have resulted in using 40% less water.

I have been a farmer in Castleford for the last 30 years and my roots go back for 4 generations (1911). In my short career as a farmer I have seen a steady decrease in the amount of water available for irrigation in the months of July and August. The continued depletion of the Snake Plain Aquifer by over appropriation has cut the natural flow in these critical months. We on the Twin Falls Canal system must depend more and more on the storage rights for these critical irrigation months. In good water years we get by with no loss, in bad water years we burn up. I make my planting decisions in March, based on the water forecast for the storage water. Many years I chose crops that use less water and also have a smaller economic potential because of the fear of short water in July and August. If we received or historic water amount, I could plant the higher value crops with little fear of a water shortage. Curtail, recharge, build more storage, or find another solution, but doing nothing is not fair to the water users with the prior water rights. We have a historic water right and we are being harmed.

The question is not who does use the water, but who doesn't use the water. The perception of limited water is the leading edge of the problem. No one really knows what the aquifer looks

<p>like. The agency that granted the rights should take responsibility. There isn't an easy answer. The last one hired should be the first one to go.</p>
<p><b>What are your thoughts on possible goals for aquifer management?</b></p>
<p>First, need to define your goals. Have you defined the level at which you want to stop the decline? Haven't seen all declines yet (or might not have). Should have a 10 year goal. Will eventually reach steady state but that will be unacceptable to most of us. In 1977, the Twin Falls canal company stated with 150,000 acre feet and it got us through the year, but now it wouldn't.</p>
<p>Sustainability. We've thought about this a lot in Twin Falls. Supplies are going down. Looked at how we can make this sustainable. In the model, drought trumps everything that you look at. So we're starting to think that past water records can't be used to project forward. Some say climate is changing – that may be challenging within our framework. Change in the water cycle. People say its happening and will continue. Predicting El nino need to look at it and plan for it. We're all in this together. So serious we're looking at going back and treating canal water for drinking water. Don't think it is business as usual anymore.</p>
<p>Short term goal should be to stem declines immediately, and look at actions that will start to reverse them, such as CREP, etc. It looks like there will have to be curtailment. Also have to look at priorities between pumpers, not just between pumpers and surface water users – not all pumpers are junior to surface water rights. May take a while for impacts to reach springs, but next door pumpers might see benefits (to curtailment) sooner.</p>
<p><b>What comments do you have on the management alternatives?</b></p>
<p>The graph that showed historic outfall – the spring flows went up when we started irrigating, and that's recharge. Recharge is a big part of the solution – need to solve the political problem of recharge, and should focus on that. New domestic wells are still being allowed, and they should become part of the solution.</p>
<p>Recharge is good, and we need to manage the aquifer as a reservoir. Recharge isn't a cure-all for the aquifer, though, and if recharge is done it needs to be done with excess water and existing rights. Curtailment also includes CREP, conversions, reduction in pumping, and willing buyer/willing seller transactions.</p>
<p>Let the model determine what wells to curtail, then decide how to mitigate. Focus on rules, recharge, maybe CREP. The question with the court will determine adds uncertainty and could lead to inaction.</p>
<p>This has been the most frustrating issue the legislature has faced in the last few years. We need some really good planning on recharge. We created that aquifer through flood irrigation. When efficiency improved, the aquifer started to decline. At the turn of the century, the aquifer and river system were in equilibrium. We're still higher than that natural equilibrium. If you shut off all pumping, the aquifer would continue to decline. Must have a maximum recharge program to replace that recharge we got for free earlier, and that has to be our number one priority. The interim legislative committee looked at recharge: one of the big obstacles was a source of water for recharge. The legislative plan last year failed. If we're going to sustain our water ruses, have to put the water in the aquifer.</p>
<p>Our city uses less water, and has pressurized irrigation system. Aquifer levels dropping at Blue Lakes, and dual irrigation systems help to emphasize conservation. A typical house uses 2,000 gallons a month. Mile Post 31 recharge site – recharge by accident, cannot find a solution. Run water into Wilson Lake. There are simple solutions to recharge that we need to look at.</p>
<p><b>How should the ESPA management alternatives be funded? Principles?</b></p>
<p>Not everyone should pay the same amount of money toward the management alternatives. Need</p>

<p>formula: those who bought inventory years ago should be different from those most recent. Equitability – those who have been damaged should not have to pay the same as those who have not. Should be based on the percentage of time someone has been damaged or on their position in the priority order.</p>
<p>Been after IDWR for a long time about over-appropriation. Appropriation stopped, but the department allowed transfers that moved water usage far from the original location. State has a huge responsibility – they were warned and ignored the warning – should have made the tough decisions then. The state got us in, and they can get us out – should buy land and retire the water rights. Water users have to look at their own responsibility in creating this. Going to get a different perspective in this region than in others. Should new pumpers pay more? Yes, probably.</p>
<p>Management of the aquifer needs to be funded statewide. Legislators need to help solve this problem. Can't develop a management plan until the Supreme Court decides (review of Woods decision). CREP – problems because it only lasts for 15 years. Should have used that money to buy land/water. CREP will take time to show benefit.</p>
<p><b>Prior Appropriation</b></p>
<p>My family has been here for 100 years, and we have seen the effects of what has happened with the aquifer. We've suffered consequences in short water years, and have had to change our cropping practices. The change has been real. Two years ago, we gave up sugar beets because I couldn't keep them wet, and we're a senior water right holder in this part of the state. In my mind, we have a framework and plan already – it's called prior appropriation. Junior water rights come with some risk, but in short water years it's us (the senior water rights) who suffer. Any plan should operate within the framework of prior appropriation. There a value for water – may be a market for it in the end, but until then, I want my water before they get theirs. Plans are all new ideas to deal with a problem that was created for us.</p>
<p>Need to look at the angles related to implementation of prior appropriation. Don't shut off wells, because it will take 20 or 30 years to see the benefit. Need to ask what other options are available. The state bears the responsibility – let new domestic and irrigation wells be constructed when they shouldn't have. Everyone should have an obligation to pay for this.</p>
<p>Prior appropriation was originally designed for mining water claims. Then the adjudication and conjunctive management added a new dimension to prior appropriation. Relying on prior appropriation doesn't solve the problem. In 1980 we changed the rules.</p>
<p>As we study prior appropriation, one issue to discuss is the definition of “futile call”. There is no tie to surface/ground in what would be considered a futile call. There is a use for the law of prior appropriation, but there's more to Idaho water law.</p>
<p>It is in our interest to keep the sugar company going, and keep as many sugar beet producers as whole as possible. Ground and surface water users are a co-dependent irrigating group. If prior appropriation applied in its very hard variety, it doesn't bode well for continued viability of any sugar factories in the state. There are debts and contracts to be met – drives home the point that this is not a simple decision. Has to be more rational ways to resolve the problem than what we're currently doing. My perception that the place we find ourselves in has evolved; need to let our solutions evolve away from hard and fast prior appropriation and keep communities as whole as possible. IDWR needs more funding. Can't get anything through the department in a timely fashion; need to help them cope with this workload. Have we been able to move senior water rights to the best ground?</p>
<p>Some of the problems we're facing will be addressed through economics. Shutting off wells</p>

won't produce water in the springs.
Twin Falls garnered a senior water right, but it seems like place is more important, not priority date. The hardships and shortages we face are real. How do we manage this aquifer? Curtail wells based on prior appropriation? Curtailment isn't new – Twin Falls Canal Co. curtails its users regularly. We shouldn't throw prior appropriation out the door. What's lacking is administration of water rights. Futile call is not an issue. Until the court determines the rules, sr./jr. users, it will be hard to determine what we can do. This is a state problem - the only question is how soft of a landing do we want to provide?
Prior appropriation and economic valuation of water could have the same effect. Do not think you would see a huge problem (sugar beets) if some pumps were shut down, but you would see shifts of sugar beet shares to different areas. I had to transfer mine to someone with junior water rights, because they could keep them wet. The sugar company will survive either way. Not sure businesses will be affected either – the cities will continue to grow. In planning, and with use of prior appropriation, we have to find way to deliver those water rights until we change that law. I think it was a good law – how it will work is up to others. Seniors need to be delivered water, otherwise their water right is nothing. Seniors have made shifts and juniors will have to as well.
Need to define what changes have taken place. People have done things to adapt to changes, such as switch crops. Big difference in profit between growing peas and beans. Don't see the loss of income when you look out the window. Prior appropriation was the reason a lot of people bought tracts on the Twin falls canal company. Sold water in bell rapids deal for 900 an acre, and only got 300 for the land. A water right is a right to use a public resource for a beneficial use. It's not as clear as outright ownership. Important to remember what a water right is.
How many people in this room are suing themselves? We're in a crash now – maybe pumpers should also face some shortages in times of drought. Need to have equity in terms of impact, based on average annual rate of return.
The Magic Valley has not listened to canal companies, and we need to defend our water rights.
Originally had 1895 water right – been there 117 years. Canal we were operating on was inefficient so we decided to drill wells. Asked dept for 1895 water right, and were told we had nothing to worry about by converting to groundwater and would never be called on. Why were groundwater rights not issued storage rights in the aquifer? Can another person call on someone's storage? No. There aren't headgates in the aquifer. Curtailment and recharge aren't very many aquifer management tools.
The effect of water reduction has resulted in 38% reduction in profit between high and low years. Compare that to a 30% reduction in a paycheck for a wage earner. First in time/first in right should govern, along with a free-market system, following the principles of willing buyer, willing seller. Need to reduce the outtake from the aquifer.