



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 3, 2021

Speaker Scott Bedke
PO Box 89
Oakley 83346
(Sent by email)

Governor Brad Little
Statehouse
Boise, Idaho 83720
(Sent by email)

Re: Curtailment of Ground Water Rights in the Bellevue Triangle

Dear Governor Little & Speaker Bedke:

On May 4, 2021, the Director of the Idaho Department of Water Resources ("IDWR") initiated a proceeding pursuant to Idaho Code §42-237a.g. The proceeding was initiated to determine whether water is available to fill ground water rights in the Bellevue Triangle in Idaho, and, if not, whether the diversions of ground water pursuant to junior priority ground water rights should be curtailed to supply water in Silver Creek and the Little Wood River to satisfy senior priority surface water rights. After conducting a hearing June 7-12, 2021, the Director ordered ground water rights in the Bellevue Triangle curtailed effective July 1, 2021.

Speaker Bedke, you and I spoke on the evening of July 2, 2021 and the morning of July 3, 2021. Governor Little, you and I spoke the afternoon of July 3, 2021. I understand that the holders of both junior ground water rights and senior surface water rights have negotiated the framework of a settlement that might allow me to instruct the watermaster to authorize resumption of ground water diversions by the holders of junior priority ground water rights. I also understand that the holders of senior priority surface water rights want some assurance that a ground water plan will be in place before the 2022 irrigation season.

I am willing to conditionally instruct the watermaster of Water District 37 to allow resumption of ground water diversions in the Bellevue Triangle upon completion of the following.

1. A written agreement between the ground water users whose water rights are subject to curtailment and the holders of senior priority surface water rights for delivery of a fixed quantity of water during the 2021 irrigation season to surface water users on Silver Creek and the Little Wood River diverting upstream of the location where the Milner-Gooding Canal crosses the Little Wood River. The agreement must identify the source of the water and shall be accompanied by any necessary temporary applications for transfer. Pumping of ground water from wells located in the Bellevue Triangle that have been curtailed is initially not a source of water the Director will consider for delivery to the surface water right holders.

2. A written agreement between the ground water users whose water rights are subject to curtailment and the holders of senior priority surface water rights for delivery of Snake River storage water through the Milner-Gooding Canal to surface water users on the Little Wood River downstream of where the Milner-Gooding Canal crosses the Little Wood River. The written agreement must include proof of storage water rental and a written agreement from American Falls Reservoir District No. 2 that the district will wheel the storage water in the Milner-Gooding Canal at the time of need for the surface water users.
3. A written agreement that the ground water users whose ground water rights are subject to curtailment and holders of senior priority surface water rights will negotiate in good faith to mutually develop and submit to the Director, by December 1, 2021, a ground water management plan for the entire Wood River Basin that will address future injury to senior priority surface water rights caused by ground water pumping.

Upon receipt of the above from the junior ground water right holders whose water rights are subject to curtailment and the holders of the senior priority surface water rights, I will instruct the watermaster to allow the resumption of ground water pumping in the Bellevue Triangle.

Any noncompliance with the conditions of the above described agreement will result in the watermaster immediately curtailing ground water diversions.

If, by December 1, 2021, a proposed ground water management plan, mutually acceptable to the ground water and surface water users in the Wood River Basin, is not submitted to the Director, or if the submitted proposed plan is unacceptable to the Director, the Director will immediately schedule a hearing for the Basin 37 Proceeding that is currently pending before the Director. The hearing will be scheduled to determine the actions the Director should take to ensure that ground water diversions in the Wood River Basin do not negatively affect the present or future use of any prior surface or ground water right.

Respectfully,



Gary Spackman

- c. Parties to the Basin 37 contested case proceeding (by email)