

APR 02 2025

DEPARTMENT OF
WATER RESOURCES

Dear Water Resource Director,

After attending the hearing in Arimo, ID on March 25th regarding the expansion of the water district to include the tributaries, I would like to submit the following comments for consideration.

1. In as much as there isn't any measured data to prove or disprove how the tributary actually affects the Eastern Snake Plain Aquifer (ESPA), please do not expand the ESPA area to include the Portneuf tributary basin. Until there is real data that shows there is an affect and justifiable reason to include the Portneuf tributary basin there are too many unknowns about this area. I recommend more research and actual data be collected with real life measurements. We need more than just computer models which at best are only guesses, I've spent my career in engineering and worked with computer models frequently. The model is only as good as the input. Assumptions can be wrong and until real data is collected to prove those guesses are correct or wrong, the model isn't reliable.
2. In business we strive to improve products overtime either through upgrades or redesigns. I recommend that the water director approach water in the same manner. The water landscape and environment has changed over time. The water situation back in the 1800s was quite different from what it is today. Our state's population has grown significantly since Idaho became a state. We've also seen dams, roads, and other impediments to water during that same time. Each of these has had some impact on the water use and flow rates. Since the conditions have changed so significantly over the past hundred plus years, doesn't it make sense to revisit how water has been distributed and whether water shares can honestly remain the same as what they were over a hundred years ago? Shouldn't we be looking at whether such existing shares or even newer ones can truly be supported in today's eco system? Shouldn't we be updating and improving water delivery systems to preserve what water resources we have?
3. During the hearing held in Arimo, someone raised concern over the amount of water lost through the surface water distribution systems. One of the officials cited a supreme court ruling that said something to the effect that the water delivery efficiency was good enough. That isn't good enough and needs to be updated. Conditions are constantly changing and when it warrants shutting off someone's water to satisfy someone else, it should signal that more needs to be done to conserve water to reduce losses in the delivery system. Great progress was made last year with the mitigation plan agreed to which avoided shutting off water to 500,000 acres of farm land. We shouldn't leave it at that. We have made many advancements in technology and need to be continually looking for better ways to improve water delivery. Conservation of what we have is more critical today than it was a hundred years ago. A hundred years ago or even 50 years ago, no one could have guessed that the Great Salt Lake would be reduced to its current condition. It should be a wake-up call to all of us. It also suggests that it is time to review all water shares to determine if they are reasonable with today's water situation. If there isn't enough water to irrigate the 1 million acres of farmland referenced at the hearing in Arimo, then where is the water going to come from for all the new houses?
4. I suggested it before at a previous meeting when the water district was proposed but I'm going to propose it again here. Many laws and rights have an end such as copyright, which is limited to the life of the composer plus 70 years or 95 years from the date of the publication. Is there a reason something like this couldn't apply to water rights. For example, whenever land and water shares change hands, whether from seller to buyer or from one generation to another or a 50 year limit, the water share resets the priority to the current date. This eventually would balance senior and junior shares across the state so no one area is shut down like what nearly happened last year. I recommend reviewing the number of shares at each update of the priority date to see if it still makes sense with available water at that date.

Prior to resetting the priority date questions such as 1) is the water right still used to irrigate all the same acreage or is it used to irrigate land not previously irrigated at the previous priority date, 2) has some of the acreage been sold off or developed into housing, etc. 3) did the diversion point change or other questions that help determine the adherence to the original water right grant. When I drive across our state, there are new homes in Eastern Idaho, Central Idaho, and Western Idaho that I'm pretty sure didn't exist in the late 1800s or early 1900s when water rights were created in these areas. There is probably land being irrigated now that wasn't irrigated when the water rights were established. These could affect whether the whole water share should continue to be granted. As water resources are distributed to meet more demands, we will have to change and that needs to be across the state.

5. I didn't get to ask this question at the hearing but would like to understand how long a "call" lasts. At the hearing and at previous water meetings we heard reference to the 2005 "call" by senior rights holders. Does a "call" go on without an end date or does it have to be initiated anew each year? Does a "call" have to evaluate each season's snow pack and other conditions before making another "call"?

6. At the hearing in Arimo, one of the officials mentioned that we might have to change our historical use of water. This obviously makes sense when we examine the current condition and resources of water available in our great state. However, this should apply to all and not just to water users in one area of the state. We must work together and not against each other. Adding tributary basins doesn't solve the problem long term, it will only delay the inevitable end where there isn't enough water for senior or junior rights holders.

7. Out of curiosity, since rivers run through multiple states, has anyone ever added up all the water rights from our state and surrounding states to see if there are enough water resources to satisfy all current water demands and still leave water in the rivers and aquifers?

8. At the hearing in Arimo, one of the officials stated that water shares are governed by the state constitution and would require changing the constitution. We change the constitution for other reasons, isn't something as important as life sustaining water adequate reason to change the constitution? Do we really need to wait until businesses fail or lives are lost due to water consumption today not anticipated when the constitution was drafted?

In conclusion, I recommend that the Portneuf tributary basin not be included in the expansion. This is at best only a band-aid fix even if it can be proven by empirical data which doesn't exist to date, that including the Portneuf would impact the ESPA in a positive way. The mitigation plan worked out last year is a great start but only buys us a little more time. We need to continue to improve water delivery systems and evaluate whether existing water rights can truly be sustained long term. We shouldn't have to go through the courts to figure out that there is still too much water loss and inefficiency in current water delivery systems before we are willing to make changes. Our landscape has changed across the state and demands on our water resources are increasing faster than it is being addressed. The state water officials need to step up and drive changes into the constitution, courts, and to the water users to preserve water resources for future generations. Remember, we aren't the only state using some of the water resources we depend on, as many rivers run beyond our state's borders.

Thank you for your time and consideration in this important matter.

Regards,



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