

APR 09 2025

DEPT. OF WATER RESOURCES

March 31, 2025

Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

Dear Director Weaver:

We write as groundwater rightholders in the Grace and Bancroft area to express our opposition to any effort by the Idaho Department of Water Resources (IDWR) to include the Bancroft-Lund Aquifer (BLA) within the Area of Common Ground Water Supply (ACGWS) for the Eastern Snake Plain Aquifer (ESPA). The BLA is tributary to the Bear River and does not affect the ESPA. As such, it should not be included in the ESPA ACGWS.

IDWR's proposed expansion is based on Idaho Code 42-233c, which states the Director "may expand the area having a common groundwater supply for the Eastern Snake Plain Aquifer to include tributary basins that affect the Eastern Snake River Plain Aquifer." What that statute does not do is give IDWR authority to include water that is not tributary to and that does not affect the ESPA. Because the BLA is not tributary to the ESPA, IDWR is not authorized to include it in the ESPA ACGWS.

In IDWR's own findings of fact in its May 1, 2024, Preliminary Order, IDWR stated, "There is an interrelationship between ground water levels in the Bancroft-Lund Ground Water Management Area and Bear River flows." It was citing its own order from 1991 Establishing the Bancroft-Lund Ground Water Management Area, which states: "The ground water management area was created because evidence showed that consumptive ground water diversions deplete surface water flows in the Bancroft-Lund area and flows of the Bear River and in springs discharging into the Bear River." The order says nothing about the BLA affecting springs tributary to the Portneuf River or the ESPA.

Likewise, IDWR's 1995 preliminary order forming a water district for the Bancroft-Lund area states, "There is an interrelationship between ground water levels within all or part of the Bancroft-Lund Area and flows of Bear River and springs discharging into Bear River." Again, the order says nothing about the BLA affecting springs tributary to the Portneuf River or the ESPA.

Elevation data backs up these conclusions. The elevation of the groundwater table in the BLA is much lower than the head of the Portneuf River north of Bancroft. There is no evidence that groundwater in the BLA flows uphill affecting the flows of the Portneuf River or the ESPA.

IDWR has a duty to use the best available science when managing water. Currently, the best available science demonstrates that the BLA is tributary to the Bear River, not the Portneuf River. We understand IDWR's desire to have nice, tidy administrative lines. But, we have had canals above ground and water has flowed below ground for 100 years in our area, long before IDWR started drawing administrative lines. For 100 years people and families have invested in

land and in irrigation infrastructure and based their livelihoods off of what we know about the water in our area. Administrative convenience is not adequate justification for the hardship we would all incur by basing decisions and rulemaking off of arbitrary lines. We are not asking for special treatment. We are asking for fairness. And that can only happen by IDWR fulfilling its duty to make decisions and administer rules using the best available science.

Groundwater rightholders in the Grace and Bancroft area do not need to go through litigation with IDWR to settle what we already know. IDWR is not authorized to regulate the BLA conjunctively with the ESPA because it is not tributary to the ESPA.

Sincerely,

STODDARD FARMS OF GRACE, LLC  
Jason Stoddard

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