

SETTLEMENT AGREEMENT PERFORMANCE REPORT

TO: IGWA-SWC Settlement Agreement Steering Committee
FROM: Ground Water Districts
DATE: April 1, 2022
RE: 2021 Performance Report

Introduction

This document reports the Ground Water Districts' year 2021 performance under paragraph 3.a of the *SWC-IGWA Settlement Agreement*¹ which requires a 240,000 acre-feet reduction in ESPA groundwater withdrawals or equivalent private recharge. Paragraph 2.a. of the *Second Addendum to Settlement Agreement* requires the Districts to report to the Steering Committee by April 1 annually "their groundwater diversion and recharge data for the prior irrigation season and their proposed actions to be taken for the upcoming irrigation season, together with supporting information compiled by the Districts' consultants."

As explained below, the Districts' groundwater conservation efforts in 2021 totaled 122,784 acre-feet. This was a significant departure from the Districts' conservation during the 2016-2020 time period which averaged 373,096 acre-feet. The Districts faced exceptionally hot and dry weather conditions in 2021 that had not been experienced since the Settlement Agreement was entered into. These challenges have forced the Districts to revisit and adjust their groundwater conservation programs.

2021 Performance

A spreadsheet detailing the Districts' 2021 performance is attached to this report. The "Summary Table" tab provides a summary of each District's performance, including the diversion baseline, target conservation, usage, diversion reduction, recharge, total conservation, and mitigation balance.

The "Recharge Report" tab lists the recharge completed by each District, including the volume, source of water, recharge location, and date the recharge was performed. Documentation supporting the recharge data shown in the spreadsheet is also attached. A few items of supporting information are forthcoming as noted in the spreadsheet.

The spreadsheet also contains individual tabs for each District that list diversion volumes for each well by WMIS number. Where challenges or errors were encountered in the data for a particular well, notes have been added to the spreadsheet to explain how the District addressed it. For example, a few diversions could not be reliably calculated due to broken meters or other factors. In these instances, the well was assigned the baseline diversion value (i.e. no reduction in use) or PCC (power consumption coefficient) diversion volume. District consultants continue to work with District patrons and the Idaho Department of Water Resources to address questions and correct errors as needed.

¹ The Settlement Agreement consists of the Settlement Agreement Entered Into June 30, 2015, Between Participating Members of the Surface Water Coalition and Participating Members of Idaho Ground Water Appropriators, Inc. ("IGWA"), the Addendum Agreement between entered into October 15, 2015, the Agreement between A&B Irrigation District and participating members of IGWA dated October 2, 2016, and the Second Addendum to Settlement Agreement dated December 14, 2016.

The Districts' 240,000 acre-foot conservation obligation is measured from baseline groundwater diversions for the period 2010-2014. The baseline has been adjusted slightly since the original allocation to account for faulty or incomplete historic usage data and new groundwater users joining the Districts.

Several Districts fell short of their share of the 240,000 acre-foot obligation. This was due in part to the lack of rain combined with exceptional heat, and in part to the Districts being unable to secure as much water for recharge and conversions as anticipated. The Districts have responded by amending their conservation programs to require additional diversion reductions by their patrons, as explained below.

Because the SWC has made independent mitigation arrangements with A&B Irrigation District and Southwest Irrigation District, the spreadsheet assumes each of those Districts has satisfied its share of the total groundwater conservation.

Questions concerning the collection and reporting of data and compilation of this report may be directed to Jaxon Higgs as the lead consultant who will coordinate with other consultants used by the Districts.

2022 Conservation Programs

The Settlement Agreement requires groundwater users to conserve water in both wet years and dry years, rather than curtailing pumping during dry years only which would minimally increase surface water flows while creating additional demand for surface water during times when the supply is constrained. The conservation implemented by the Districts during the average and above-average water years from 2016-2020 resulted in surplus mitigation during that period, contributing to increased aquifer levels and Snake River reach gains. Still, the Districts recognize that their total groundwater conservation in 2021 was inadequate, and that they must conserve additional water in future dry years.

The Districts rely primarily upon a priority-based system of diversion reductions to conserve groundwater. They also use other tools such recharge, conversions, CREP, end-gun removals, and lease dry-ups to conserve groundwater. Districts that did not achieve their share of the 240,000 obligation in 2021 have made changes to their conservation programs to improve performance in 2022. For example, American Falls-Aberdeen Area Ground Water District and Bonneville-Jefferson Ground Water District lowered the diversion caps imposed on their patrons, and Bingham Ground Water District revised its reduction plan to impose strict priority-based diversion limits. An updated table summarizing the Districts' conservation programs for 2022 is attached.

By and large, District patrons have willingly made sacrifices to conserve water and comply with the District conservation programs by reducing irrigated acreage, growing crops that use less water, and carefully monitoring groundwater diversions. To enable Districts to more effectively address non-compliance, IGWA was successful in amending Idaho Code 42-5232 to allow stiff penalties for excess water use, and in enacting Idaho Code 42-5244A and 42-5244B to provide additional enforcement tools. The Districts have recently emphasized to their patrons the need to fully comply with their conservation programs in 2022.

Additional Information

While not part of the annual reporting requirement under the Settlement Agreement, the Districts submit the following additional information on long-term practices previously implemented and continuing:

1. **Settlement Agreement 3.b.i.** IGWA delivered to the SWC 50,000 acre-feet of storage

accomplished through private leases of water from the Upper Snake reservoir system. Per the request of Twin Falls Canal Company, IGWA consented to a portion of this water being utilized by groundwater users in Basin 37 for mitigation purposes. The remainder was used by the SWC to meet irrigation demand. No portion of the 50,000 acre-feet was made available for recharge in 2021.

2. **Settlement Agreement 3.b.ii.** IGWA has used its best efforts to continue existing conversions in Water Districts 130 and 140. The Districts see conversions as an important key to long-term management of the ESPA. They continue to explore opportunities to expand conversions, particularly in the Bingham County, Bonneville County, and Power County areas.
3. **Settlement Agreement 3.c.** District patrons continue to honor the irrigation season restriction to April 1-October 31. As a practical matter, the diversion reductions imposed by the Districts have compelled patrons to limit diversions whenever possible.
4. **Settlement Agreement 3.d.** Most District patrons installed flow meters by the beginning of the 2018 irrigation season. IDWR has established and implemented a protocol for flowmeter compliance following the 2018 deadline in according with the Departments ESPA flow measurement orders. All District patrons have now installed flow meters or have obtained variances. The Department maintains records and reports on compliance, granted variances, approved delays and enforcement.
5. **Settlement Agreement 3.f.** The Districts continue to support the State’s managed recharge program that seeks to achieve 250,000 acre-feet of recharge annually across the ESPA. The Department regularly reports on State recharge efforts. Expansion of the State program, particularly in the upper Snake River Basin, is important to long-term success of the ESPA recovery effort.
6. **Settlement Agreement 3.g.** IGWA and the Districts have and continue to support NRCS funded water conservations programs.

IDWR Review

The Second Addendum provides that the parties “will request the Department to verify each District’s annual diversion volume, and other diversion reduction data (recharge, CREP, conversions, end-gun removals, etc.) to confirm the accuracy of the data.” A copy of this report will be submitted to the Department with a request that it commence verification. The Department’s analysis is normally provided to the Steering Committee by July 1.

Sentinel Well Report

Pursuant to section 3.e. of the Settlement Agreement and sections 1.b.i. and ii. of the Second Addendum, the parties’ consultants continue to work with the Department to collect, process, archive, and submit sentinel well data to the Steering Committee within 30 days of collection using the Calculation Technique. This process is ongoing by the Department and the Technical Working Group formed under the Settlement Agreement.

CONSERVATION PROGRAM SUMMARY - 2022

District	Diversion Reduction				Recharge	Other
	Tiers	AF Cap	Min %	Max %		
North Snake	3	2.0/2.2/2.4	none	50	As available	Conversions
Magic Valley	3	1.6/1.75/1.9	none	none	As available	Conversions End-gun removal, CREP
Carey Valley	0	% reduction based on historic use	12.4	12.4	As available	
American Falls - Aberdeen	3	1.58/1.76/2.0	none	22	As available	Water Bank Lease, CREP, conversions
Bingham	10	0.92 - 2.00	none	none	As available	End-gun removal, CREP, conversions
Bonneville- Jefferson	10	1.23 to 1.97	10	20	As available	End-gun removal, lease dry-ups, CREP, conversions
Jefferson-Clark	70	% reduction based on historic use	3.2	17.48	As available	\$50 acre CREP add-on, end-gun removal
Madison & Henry's Fork	Direct delivery 1,500 AF storage to IGWA and 3,000 AF annual recharge minimum.					