

**MARTEN LAW**

March 8, 2024

Via Email and First-Class Mail

Director Mat Weaver
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RE: 2016 Stipulated Mitigation Plan / 2023 Sentinel Well Benchmark

Dear Director:

I am writing on behalf of our client Steering Committee members (A&B Irr. Dist et al.) and am joined by Kent Fletcher on behalf of his client members (AFRD#2 et al.). We are writing to request action concerning the Steering Committee's impasse on recommending additional actions to achieve the 2023 sentinel well index benchmark set forth in the 2015 Settlement Agreement and 2016 Stipulated Mitigation Plan.

By way of background, the sentinel well measurements taken last spring showed that the mitigation plan's 2023 benchmark was not achieved. *See Ex. A.* Consequently, under Paragraph 2.c.ii of the *Second Addendum*¹ the Steering Committed was tasked with recommending "additional actions to be undertaken" by the signatory Ground Water Districts "to achieve the benchmark."

The Steering Committee held a meeting in Paul, Idaho on November 2, 2023 where the sentinel well benchmark was discussed. The committee tasked the technical working group with evaluating certain hydrologic information and performing model runs to assist with making recommendations. It was anticipated this information could be prepared and reviewed sometime in late December or early January. Unfortunately, the technical working group was unable complete the requested work.

As a result, it is the Surface Water Coalition's position that it has not agreed with IGWA upon additional actions to take this year. Pursuant to the terms of the *Second Addendum* and order approving the amendment to the 2016 Stipulated Mitigation Plan, if the parties do not agree upon such terms "prior to March 1," the Steering Committee "will request that the Director issue an order requiring additional actions to be undertaken by the Districts to achieve the benchmarks or goal not met." The Surface

¹ The *Second Addendum* was approved as an amendment to the 2016 stipulated mitigation plan by final order of IDWR dated May 9, 2017.

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Water Coalition hereby makes that request on behalf of its members of the Steering Committee.

Although the parties continue to implement the approved 2016 Stipulated Mitigation Plan, it is unfortunate that the Steering Committee was unable to recommend additional actions as required. The Coalition is committed to restoring the ESPA for all water users and requests a timely response to this letter given the pending irrigation season.

If you have any questions or need additional information, please advise.

Sincerely,



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Partner

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Enclosures

cc: Garrick Baxter
T.J. Budge
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Jerry Rigby
Sarah Klahn
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Kevin Lakey
Don Terry
Jeff Warr
Dan Davidson
Alan Hansten
Jay Barlogi

Exhibit A

Memorandum

To: SWC/IGWA Agreement Steering Committee

From: Sentinel Well Technical Working Group
Dave Colvin (LRE Water), Jaxon Higgs (Water Well Consultants), Sophia Sigstedt (Lynker)

Date: May 23, 2023

Subject: 2023 Sentinel Well Index Calculation

The Sentinel Well Technical Working Group (TWG) assists the Surface Water Coalition (SWC) and the Idaho Ground Water Appropriators (IGWA) with the evaluation of Sentinel Wells and their associated water level data. These wells and data are utilized to monitor the effectiveness of managed aquifer recharge and irrigation reductions enacted to meet the terms of the SWC/IGWA 2015 Settlement agreement. The Sentinel Wells are intended to indicate when agreement activities result in rising aquifer water levels, specifically that levels stabilize and ultimately reverse the trend of declining groundwater levels.

The Idaho Department of Water Resources (IDWR) recently released updated Sentinel Well water level data. The Sentinel Well Index was calculated according to the process described in the SWC/IGWA Agreement, Paragraph 3e Calculation Procedure.

The 2023 Sentinel Well Index value has dropped to -8.97 feet as shown in Figure 1 and Table 1 below.

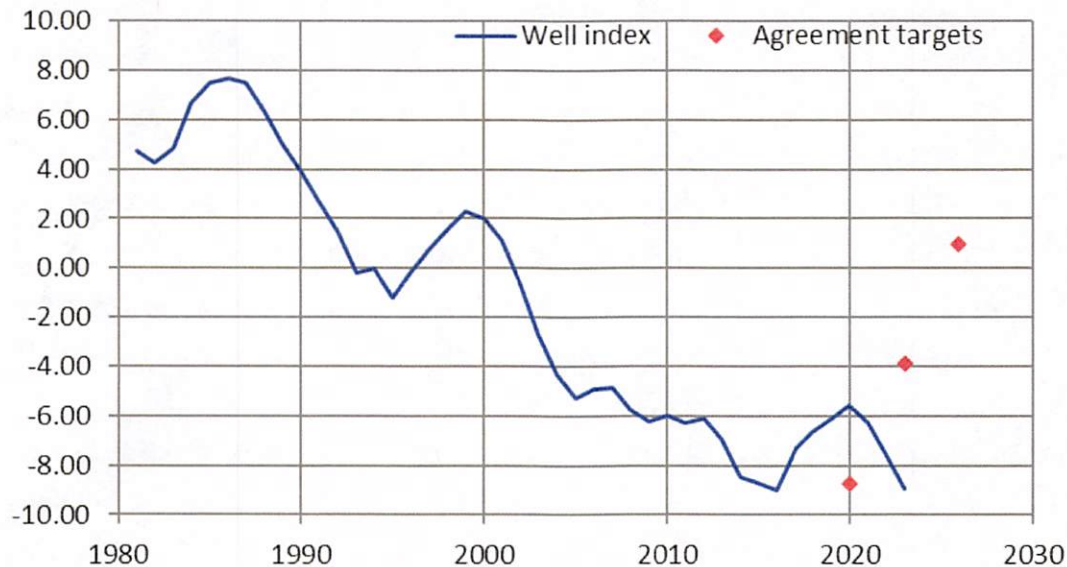


Figure 1 - Graph of Sentinel Well Index Values and Agreement Targets

Table 1 - Sentinel Well Index Values and Agreement Targets

Year	Well Index	Agreement Targets
1981	4.71	
1982	4.26	
1983	4.83	
1984	6.68	
1985	7.51	
1986	7.64	
1987	7.51	
1988	6.32	
1989	4.98	
1990	3.86	
1991	2.68	
1992	1.48	
1993	-0.22	
1994	-0.03	
1995	-1.20	
1996	-0.21	
1997	0.75	
1998	1.56	
1999	2.29	
2000	2.00	
2001	1.11	
2002	-0.67	
2003	-2.70	
2004	-4.35	
2005	-5.28	
2006	-4.94	
2007	-4.84	
2008	-5.77	
2009	-6.23	
2010	-5.96	
2011	-6.26	
2012	-6.11	
2013	-6.92	
2014	-8.45	
2015	-8.73	
2016	-9.00	
2017	-7.37	
2018	-6.62	
2019	-6.11	
2020	-5.57	-8.72
2021	-6.28	
2022	-7.62	
2023	-8.97	-3.90
2024		
2025		
2026		0.93