

IDAHO GROUND WATER APPROPRIATORS, INC.

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GWD Members:

Aberdeen - American Falls GWD
Bingham GWD
Bonneville - Jefferson GWD
Fremont - Madison ID
Jefferson Clark GWD
Madison GWD
Magic Valley GWD
North Snake GWD
Southwest ID

City Members:

City of American Falls
City of Blackfoot
City of Chubbuck
City of Heyburn
City of Jerome
City of Rupert

Business Members:

Anheuser-Busch Agricultural
United Water of Idaho
Glambia Cheese

IGWA's Comments

Rule 50

My name is Lynn Tominaga, Executive Director for Idaho Ground Water Appropriators, Inc. (IGWA) we are an association which represents over a million acres of ground water pumped on the Eastern Snake Plain Aquifer. IGWA is a statewide association of ground water users comprised of seven ground water districts, two irrigation districts, and a number of municipal, commercial and industrial ground water purveyors. Formed in 1994 to provide ground water users with a common voice and representation on legal, technical, and governmental issues, IGWA's members irrigate over one million acres of agricultural land and provide municipal water supplies to over 100,000 businesses and households.

IGWA's comments today will address "Amend Rule 50 filed by Clear Springs Foods, Inc." in November 2010, Clear Springs Foods . First, IGWA has five entities which could be affected by Amending Rule 50 which might include 250,000 acres additionally into the common ground water area. Many of these acres are South or East of the Snake River and are current members of IGWA or will join the nearest Ground Water

District (GWD) for mitigation purposes. This will place additional obligations and financial burdens on existing GWD members. During one of latest water delivery call in 2010, IGWA had an obligation of approximately 78,000 acres of replacement water to the Surface Water Coalition (SWC). During this time period, the need to gain replacement water supplies to avoid the curtailment was already tight or near impossible but to add an additional 6,400 acre-feet (7.5%) of additional mitigation would put more pressure on IGWA members to avoid curtailment. In 2010, IGWA was able to gain over 58,000 ac-ft but then weather conditions changed to make IGWA's obligation go to zero by June 2010.

IGWA has concerns that only three tributary basins are being proposed to be added to the common ground water area. IGWA knows that many of the tributary ground water basins have an effect on the common water area (Portneuf, Big Wood, Blackfoot, Raft River, Henry's Fork, Teton, Palisades, and others) and would like to recommend that IDWR do the studies necessary to include all 18 tributary basins.. This would allow for all ground water users who have an effect on the ESPA be included and be part of the common ground water area. This would evenly distribute the mitigation requirements to all ground water users who have an effect on the common ground water area. This would also help in determining if other water delivery calls and their effects if other delivery calls are instituted. This might take some time but in our opinion would be the fairest method for water allocation concerning the common ground water area. This would avoid a piece meal approach of having to recalibrate the Eastern Snake Plain Aquifer Model (ESPAM) as additional data is gain for each basin.

This might take some time to get the data necessary to properly calculate the impact these 18 basins have on the common ground water but it seems the only logical way to assess these addition acres from other tributary basins. This would avoid IDWR having to keep

coming back every few years and adding additional basins into the common ground water area.

IGWA's biggest concern is that current surface water administration in some of these basins are on-going and we do not know what effect surface water administration and ground water administration has on ground water users in these basins. For example, the Lost and Little Lost Basins could have senior surface water delivery calls and these might affect the ground water user in the common ground water area. Ground water users could be confused if multiply water delivery calls are instituted. Does IDWR have a priority over which water delivery call has priority? Could one delivery call be mitigated and the other not be mitigated?

IGWA hopes IDWR would address two questions before the department proceeds with Amending Rule 50. 1) What affect does all ground water use in all tributaries basin have on the common ground water area? 2) If there are multiply water delivery calls against ground water users, is there a priority of which water delivery call has to be implemented addressed first? Does the tributary basin water delivery calls has more importance to a local area than a regional water delivery call?

I would like to thank IDWR for this opportunity to address these issues and I would the department will address IGWA's questions. If you have any further questions, please feel free to contact me at the above mentioned address.