

May 22, 2017

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MAY 25 2017

DEPARTMENT OF  
WATER RESOURCES

Gary Spackman, Director

Idaho Department of Water Resources

P.O.Box 83720

Boise, Idaho 83720-0098

RE: Big Lost River Basin Ground Water Management Area Proceedings

Dear Director Spackman:

Please for filing please find my Petition to Intervene along with a check for the filing fee of \$25.00.

I am requesting to intervene because I have suffered significant losses at the way the water is being distributed in Basin #34. If we are not in a critical ground water area I don't know who is. I have not had enough water to grow a crop on my farm for 16 years. All I have is worthless surface water rights of 1880, 1884, and 1885 of which I lose half through canal shrink before it gets to my farm. I have tried numerous times with IDWR to give up my surface rights for a well but to no avail. No one can farm consistently in this valley without a well.

I have tried to stack my water rights like a lot of irrigators do but to no avail because I am a small farmer and not one of the big ones who get to stack decrees and wells all together and distribute any of their water to any place they own. But I have been turned down by IDWR with the explanation you cannot do that and nobody is doing that. The benefits are only for those who have money.

The aquifer is dropping and water has been over appropriated (your statement numerous times) and there has been significant increase in irrigated land throughout the Big Lost River Valley. The water for the lower Big Lost Valley below Arco used to come from rising water in the 70's at the Arco diversion.

However since that time there has been NO rising water to deliver to those below the Arco diversion.

It started as a drought, but since when does a drought last 40 years and only in the lower part of the valley. There has been no drought where there are wells allocated to irrigate. The drought just exists where there are no wells. The drought is where there is only surface water to provide irrigation which most of the time falls short of irrigation requirements. Yet anyone who has a well has not suffered one bit of a drought situation. Yet, I cannot drill a well even though I am providing 75% of my surface water to the ground water users. If you have surface water and a well then you can retrieve your lost surface water through that well and it is no big deal. If you have no well then you are just plain screwed even though your surface water right is 100 years senior to those pumping from the ground.

The recharge apparently is not getting to the Arco area because of it being pumped out before it gets there because there still is no rising water at the Arco diversion. The domestic well in that area are going dry as you can tell by the petition submitted to you.

The only way to solve this problem is by having a minimum river flow and keeping water in the river all year long so the river recharges the whole valley and not just the upper valley.

I have proposed a plan that makes the river flow all year and have presented it numerous times to IDWR to no avail. In summary it is as follows: everyone has a well, all the surface water is used for recharge by the river and controlled by the dam. This maintains a minimum flow through the valley and everyone uses the Aquifer for storage and decree. Then everyone is on the same playing field. Everyone pays the same "no shrink" instead of just the surface users.

The surface water users now provide the water through shrink to the Aquifer essentially giving their water to the ground water users. If the surface water and ground water are connected, then why are the ground water pumpers allowed to irrigate when their water rights are 100 years junior to my surface water rights. They raise great crops, pay no shrink and have as much water as they need while all I can raise is dust and cannot get any water to my farm when I have such significant better senior water right?

In addition the surface water users have been screwed in the fact that now the decree water is delivered at the head of the canal as mandated by IDWR instead of at the field headgate, thus losing, through canal shrink, part of your decree that was appropriated to the farm. There used to be 1 inch per acre allocated for 100 acres then that is 100 inches decree but now you take canal shrink of 50% so you now have 0.5 inches per acre. So you are essentially giving half you water to the ground pumpers.

Several times it has been stated by the Director of IDWR than we are over appropriated and that we are using too much water and that it is not right that senior rights get curtailed but not for pumpers. Why they are more privileged in using water that someone more senior to them. The Director has said several times that the only way to solve this is with a water call through the state.

The farmers at the lower end of the valley that do not have the privilege of a well, have made water calls by Rule 50 numerous times for curtailment with absolutely no consequences. In meetings with junior water right holders is the comment "Don't worry about the call they can't afford it anyway". Seems to me if the Director knows there is a problem in this basin, then why does he not fix it instead of waiting for farmers to pay \$100,000 to get someone's attention???

Something has to change in Basin #34 or we will continue to pump the aquifer dry. Therefore, there must be better management of the aquifer. And if it takes a ground water management system to solve the problems then there should be one. In my opinion, there are significant problems with the way water is being managed in Basin #34 by IDWR. IDWR needs to address equitably all the problems of all the people and not just a few large vocal farmers.

Yours truly lifetime Big Lost River Valley resident and small farmer,



James Rindfleisch

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