IN THE MATTER OR CONSIDERATION OF DESIGNATING THE BLR BASIN 34 A "CRITICAL GROUND WATER AREA" OR A "GROUND WATER MANAGEMENT AREA" OR TAKING NO ACTION AT ALL AND BASIN 34 TO REMAIN "AS-IS" HISTORICALLY

I am responding to the IDWR Director's Order of 09 May 2017 with the following "Summary Position" information. Please note the following:

1. The Big Lost River Basin 34 is made up of three very distinct "Hydrologic Areas".
   a. Up-Stream from the Mackay Dam.
   b. Down-Stream from the Mackay Dam to approximately the Darlington area.
   c. Down-Stream from approximately the Darlington area extending to the East Idaho Snake Plain Aquifer (EISPA) East of approximately Butte City.

2. The portion of Basin 34 Up-Stream from the Mackay Dam is, for all considerations, "Hydrologically Isolated" or prevented from contributing to most of the down-stream underground flows via the Dam's natural "Geologic Formation" and location.

3. The portion of Basin 34 Down-Stream from the Mackay Dam to approximately the Darlington area is again, for all practical considerations, "Hydrologically Changed" because of another natural "Geologic Formation" which extends into the Basin 34 underground flow after which releases drainage into the lower portion of Basin 34 at a much greater rate.

4. Ms. Jennifer Sukow, P.E., P.G. memorandum dated 06 February 2017 documents that the Basin 34 ground water conditions between the Mackay Dam and approximately Darlington do not vary near as much as those ground water diversions from Darlington down-stream to the EISPA. This memorandum makes no case for either a Critical Ground Water Area or a Ground Water Management Area for the Mackay Dam to Approximately Darlington area.

5. Mr. Dennis Owsley, P.G. "Water Improvement and Solutions Team Meeting presentation dated 10 December 2014" also
documents that the Basin 34 ground water conditions between
the Mackay Dam and approximately Darlington do not vary
greatly as do those ground water diversions from Darlington
down-stream to the EISPA. This presentation also makes no case
for either a Critical Ground Water Area or a Ground Water
Management Area from the Mackay Dam to Approximately
Darlington area.

6. The Mackay Dam to approximately Darlington Irrigators have
formed and “Association”, which is registered with the State of
Idaho and is now an “Entity” from which to render Mitigation
Plans Etc.

7. Most Irrigators in the Mackay Dam to approximately Darlington
and up-stream from the Mackay Dam areas have significant
surface water resources and have Senior Ground Water Rights as
supplemental.

8. Additional oversight and management from IWDR is not required
because the Water District 34 Water Master is fully functional
and capable of administrating both surface and ground-water
resources up-stream from approximately Darlington.

2017 documents that the Basin 34 ground water conditions
between the Mackay Dam and approximately Darlington do not
drop in level near as much as those ground water diversions from
Darlington down-stream to the EISPA. Therefore, this
memorandum makes no case for either a Critical Ground Water
Area or a Ground Water Management Area for the Mackay Dam
to Approximately Darlington area or above the Mackay Dam.

10. Mr. Dennis Owsley, P.G.’s presentation titled: Water
Improvement and Solutions Team Meeting, dated 10 December
2014”, also documents that the Basin 34 ground water conditions
between the Mackay Dam and approximately Darlington do not
drop down near as much as those ground water diversions from
Darlington down-stream to the EISPA. This memorandum makes
also makes no case for either a Critical Ground Water Area or a
Ground Water Management Area from the Mackay Dam to
Approximately Darlington area and the area above the Mackay
Dam.

11. I support the following “Statement” form our “Upper Big Lost
River Ground Water Association”:

"Upper Big Lost River Ground Water Association

Summary Position Statement
The following Statement explains the position the Association intends to advance at the hearing in the matter of whether to designate the Big Lost River Basin a Critical Ground Water Area or a Ground Water Management Area, Docket No. P-CGWA-2016-001.

In the Association’s submitted petition to intervene in this matter our initial position was to request a delay in any decision based on lack of sufficient quantifiable data upon which to base a sound decision. Upon further discovery and analysis of available data the Association is amending their position as justified by said data.

The Upper Big Lost River Ground Water Association (UBLRGWA) intends to demonstrate there is sufficient viable data within the memorandum dated February 6th, 2017 from Jennifer Sukow, Subject: Groundwater in the Big Lost River Valley to warrant absolute consideration to preclude the upper portion of Basin 34 from inclusion in a Ground Water Management Area under this decision hearing. This would not be a precedent setting decision as other segregated basins currently exist.

As articulated by Idaho Department of Water Resources Director Spackman during the May 3rd, 2017 pre-conference hearing, the economic impact described in the ‘Petition’ will not be relevant within the scope of the decision, which is to determine if there is sufficient ground water to provide a reasonably-safe supply for irrigation or other uses at the current or projected rates of withdrawal.

The relevant point of the ‘Petition’ is the impact to groundwater diversions, mainly domestic wells, lowered water levels causing “dry wells” in a number of ground water diversions. These impacted groundwater diversions are concentrated in the lower part of the valley, where the focus of the problem should be addressed. The Association does not intend to dispute this point of the ‘Petition’ unless it becomes a relevant factor. If it does become a factor we will dispute the reported magnitude of wells impacted as grossly exaggerated.

Based on the information in the Sukow memorandum the underflow to the Snake River Plain Aquifer from the lower Lost River Valley has remained fairly consistent historically, so despite the alleged excessive withdrawal in the lower valley ‘pool’ the amount of water passing to the Snake River Plain Aquifer is not significantly influenced (historically) by annual precipitation or withdrawal levels. To that end the Association contends that a similar situation exists in the upper valley ‘pools’ (as described by data as several ‘pools’ from Chilly, the Mackay Reservoir, and below Mackay to a point below the Leslie Butte) which deliver a equally
consistent flow to the lower valley 'pool', not significantly affected by precipitation or withdrawal levels in the upper end of the Basin.

The Association has concern regarding several references to "Statistically significant groundwater level trends..." in the Sukow memorandum without definition of the threshold of 'significant' (subjective?) and without consideration for major geological events (e.g. Mt Borah earthquake 1983) and the affects thereof on the historical groundwater measured level data as measured in wells referenced in the memorandum.

The Association will request a boundary be defined, which will be consistent with the Association’s already geographically defined southernmost boundary documented in the Association By-Laws, which has been confirmed by an independent Hydrologist as appropriate, logical, and demonstrable.

The Association does encourage and will continue to participate in ground water level measurement in the upper valley to determine any unsatisfactory trends in ground water levels and will take the necessary remedial actions when required. The Association members are very active in aquifer recharge efforts and have prepared a Mitigation Plan to be exercised should a senior call be made.

The Association will not take a position on the disposition and decision of a lower valley Management Area designation as the data for the lower end of the valley should corroborate the appropriate decision.”

12. I also support the following "Position Statement" as modified from the above:

**Position Statement**

The following Statement explains the position the Association intends to advance at the hearing in the matter of whether to designate the Big Lost River Basin a Critical Ground Water Area or a Ground Water Management Area, Docket No. P-CGWA-2016-001.

In the Association’s submitted petition to intervene in this matter our initial position was to request a delay in any decision based on lack of sufficient quantifiable data upon which to base a sound decision. Upon further discovery and analysis of available data the Association is amending their position as justified by said data.
The Upper Big Lost River Ground Water Association (UBLRGWA) intends to demonstrate there is sufficient viable data within the memorandum dated February 6th, 2017 from Jennifer Sukow, Subject: Groundwater in the Big Lost River Valley to warrant absolute consideration to preclude the upper portion of Basin 34 from inclusion in a Ground Water Management Area under this decision hearing. This would not be a precedent setting decision as other segregated basins currently exist.

As articulated by Idaho Department of Water Resources Director Spackman during the May 3rd, 2017 pre-conference hearing, the economic impact described in the 'Petition' will not be relevant within the scope of the decision, which is to determine if there is sufficient ground water to provide a reasonably-safe supply for irrigation or other uses at the current or projected rates of withdrawal.

The relevant point of the 'Petition' is the impact to groundwater diversions, mainly domestic wells, lowered water levels causing "dry wells" in a number of ground water diversions. These impacted groundwater diversions are concentrated in the lower part of the valley, where the focus of the problem should be addressed. The Association does not intend to dispute this point of the 'Petition' unless it becomes a relevant factor. If it does become a factor we will dispute the reported magnitude of wells impacted as grossly exaggerated.

Based on the information in the Sukow memorandum the underflow to the Snake River Plain Aquifer from the lower Lost River Valley has remained fairly consistent historically, so despite the alleged excessive withdrawal in the lower valley 'pool' the amount of water passing to the Snake River Plain Aquifer is not significantly influenced (historically) by annual precipitation or withdrawal levels. To that end the Association contends that a similar situation exists in the upper valley 'pools' (as described by data as several 'pools' from Chilly, the Mackay Reservoir, and below Mackay to a point below the Leslie Butte) which deliver a equally consistent flow to the lower valley 'pool', not significantly affected by precipitation or withdrawal levels in the upper end of the Basin.

The Association has concern regarding several references to "Statistically significant groundwater level trends..." in the Sukow memorandum without definition of the threshold of 'significant' (subjective?) and without consideration for major geological events (e.g. Mt Borah earthquake 1983) and the affects thereof on the historical groundwater measured level data as measured in wells referenced in the memorandum.

The Association will request a boundary be defined, which will be consistent with the Association's already geographically defined southernmost boundary documented in the Association By-Laws, which has been confirmed by an independent Hydrologist as appropriate, logical, and demonstrable.
The Association does encourage and will continue to participate in ground water level measurement in the upper valley to determine any unsatisfactory trends in ground water levels and will take the necessary remedial actions when required. The Association members are very active in aquifer recharge efforts and have prepared a Mitigation Plan to be exercised should a senior call be made.

The Association will not take a position on the disposition and decision of a lower valley Management Area designation as the data for the lower end of the valley should corroborate the appropriate decision."

I will use to my full extent Surface Water Diversions and not take Ground-Water Diversions unless necessary.

LIST OF POTENTIAL WITNESSES

1. Mr. Lonnie Molberg, P.G. -2117 Wy
2. Local Irrigators
3. Self
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 12th day of June 2017, the above and foregoing document was served on the following by the method(s) indicated below:

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BIG LOST RIVER GWD
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