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JUN 20 2017

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WHETHER TO)	
DESIGNATE THE BIG LOST RIVER)	Docket No. P-CGWA-2016-001
BASIN A CRITICAL GROUND)	
WATER AREA OR A GROUND WATER)	NOTICE OF WITHDRAWAL OF PETITIONS
MANAGEMENT AREA)	
)	

BACKGROUND

On September 19, 2016, Rose Bernal of Butte County submitted a Petition (hereinafter referred to as the "Bernal Petition") to the Director ("Director") of the Idaho Department of Water Resources requesting the Director "designate a critical ground water area in the Big Lost River Basin". On January 5, 2017, and January 18, 2017, Chairman Moj Broadie of the Big Lost River Ground Water District (hereinafter "BLRGWD") submitted to the Director letters opposing the Bernal Petition "for a Critical Ground Water Area, but with reservation supports the designation of a BLRB GWMA separate from the ESPA GWMA".

In the NOTICE OF PREHEARING CONFERENCE dated March 23, 2017 the Director designated the Bernal Petition and the two Ground Water District letters as petitions in accordance with the Department's Rule of Procedure 104. At the Prehearing Conference held on May 3, 2017, the Director and participants discussed several deadlines relating to this matter which have now been established by ORDER EXTENDING DEADLINE FOR PETITIONS TO INTERVENE; ORDER AUTHORIZING DISCOVERY; SCHEDULING ORDER; ORDER REGARDING SERVICE OF DOCUMENTS; NOTICE OF SECOND PREHEARING CONFERENCE; AND NOTICE OF HEARING dated May 9, 2017.

WITHDRAWAL OF PETITIONS

As part of the Order establishing deadlines, the parties are required to submit statements explaining their positions and how they intend to advance those positions. The parties are also allowed to engage in settlement negotiations with other parties in an effort to resolve this contested case.

Following the Prehearing Conference, BLRGWD, spokesperson Rose Bernal, and other interested representatives of the Bernal Petition (hereinafter collectively referred to as the "Petitioners"), met to discuss how best to advance their respective positions. Those positions are centered in understanding the unique hydrological characteristics of the Big Lost River Basin, ground water appropriation priorities, available volumes of water supplies within the basin, the interconnectivity between surface and ground water supplies, and the ultimate development of a basin water management plan that is consistent with

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Idaho prior appropriation water law, supports the local public interests, and is likely to be approved by the Director as an approved plan.

The Petitioners believe the costs of arguing about what type of basin "designation" (CGMA or GWMA) is less important than the development of a legitimate ground water management plan. What the Bernal Petition signers and BLRGWD members really want are stable aquifer levels, reasonable surface flows, protected prior appropriations, and optimum economic benefits derived from the use of the State of Idaho's water resources. The Petitioners also believe if the Director believes a "designation" is essential in moving the management of the basin's water resources forward, he has the statutory authority to do so without either of the pending petitions.

To that end the Petitioners believe the withdrawal of the Bernal Petition and the proper interpretation of BLRGWD's letters opposing a critical designation but supporting the Director if at his sole discretion he were to determine a ground water management area designation is essential, is the most efficient use of their time and money as they support the continuing development of a viable water management plan. The attached STIPULATION AGREEMENT defines the mutually agreeable terms and conditions the Petitioners believe would be the most effective manner for them to use their limited financial resources and time. They hope the other intervening parties would recognize the value of cooperating in the development of a separate tributary water management plan rather than expending large amounts of money and social tension on whether to designate the Big Lost River Basin a Critical Ground Water Area or a Ground Water Management Area.

For these reasons the Petitioners do hereby withdraw their respective petitions.

Respectfully submitted this 14 day of June, 2017.


Rose Bernal, Spokesperson Bernal Petition


Moj Bredie, Chairman BLRGWD

STIPULATION AGREEMENT

Where As, On September 19, 2016, Rose Bernal of Butte County submitted a Petition (hereinafter referred to as the "Bernal Petition") to the Director ("Director") of the Idaho Department of Water Resources requesting the Director "designate a critical ground water area in the Big Lost River Basin",

And Where As, Chairman Moj Broadie of the Big Lost River Ground Water District submitted to the Director of the Idaho Department of Water Resources letters dated January 5, 2017 and January 18, 2017, opposing the Bernal Petition "for a Critical Ground Water Area, but with reservation supports the designation of a BLRB GWMA separate from the ESPA GWMA",

And Where As, the Director has now defined the Bernal Petition and the two Ground Water District letters as petitions in accordance with the Department's Rule of Procedure 104. IDAPA 37.01.01.104, and has captioned this matter as 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,

And Where As, at the May 3, 2017, Pre-Conference Hearing held in Arco, Idaho at the Butte County School District Auditorium, the Director designated Rose Bernal as the spokesperson for the signers of the Bernal Petition and authorized her to act in behalf of those same signers,

Now it is Therefore Stipulated and Agreed to, by the respective petitioners as follows:

- 1.) The Bernal Petition shall be withdrawn from consideration before the Director at this time, and the same petition may be resubmitted at a later date if the Big Lost River Ground Water District fails to proceed and obtain the Director's approval of a ground water management plan for the Big Lost River Basin or if Spokesperson Rose Bernal is unsatisfied with the approved plan.
- 2.) Rose Bernal and signers agree to generally support, cooperate, and contribute in every way possible with the Big Lost River Ground Water District's efforts in developing and submitting a proposed ground water management plan for the Big Lost River Basin and in seeking the Director's approval of such a plan. Such a plan will include components to:
 - a.) stabilization the local basin's aquifer,
 - b.) the development of "Managed Recharge Sites", "Green Belts", and "Enhanced Surface Flows" in or adjacent to the Moore - Arco - McLaughlin Diversion river reaches (as defined in WD 34 Water Distribution Rules) using existing surface appropriations, and
 - c.) the regulation of non-participating ground water users on a time priority bases and in accordance with the prior appropriation doctrine.
- 3.) Signers of the Bernal Petition and the Big Lost River Ground Water District will support the Director if he elects to exercise his statutory authority in designating the Big Lost River Basin as a Ground Water Management Area separate from the ESPA GWMA on his own initiative and discretion as provided for in Idaho Code 42-233b.

 June 13, 2017
Rose Bernal, Spokesperson Bernal Petition

 June 13, 2017
Moj Broadie, Big Lost River Ground Water District