

## Surface Water Proposal for Water District No. 120

The following entities, (American Falls Reservoir District No. 2, Twin Falls Canal Company, North Side Canal Company, A&B Irrigation District, Burley Irrigation District, Minidoka Irrigation District and Falls Irrigation District), submit this proposal for consideration by the State of Idaho and junior water users, pursuant to I.R.E. 408. This proposal shall remain effective until December 7, 2004.

### **Governing Principle: Surface Water Users want water, not money**

- I. The settlement applies only to **Water District No.120** ✓
- II. The settlement agreement needs to identify how ground water users within the Water District No. 120 boundary, but not within the ground water district are brought into the agreement. Consideration must be given to the existing entities, which already have an existing assessment structure. (equitable costs)
- III. Ground water districts annual obligation = 450,000 acre feet (not subject to averaging)
  - A. 150,000 acre feet surface/wet water delivery
    - i. If there is a shortage:
      1. To meet the 150,000 acre-feet obligation under III.A, ground water districts may: (1) enter into agreements with surface water entities, who otherwise would have been delivered water through the mitigation agreement to reduce surface water demands; (2) the ground water districts may reduce ground water depletions, which would increase the observed reach gain in the near Blackfoot to Minidoka reach in that particular irrigation year; or (3) purchase or lease surface water rights that will provide water that can be delivered to meet this annual obligation.
  - B. 300,000 acre feet of recharge benefits to the aquifer within Water District No. 120 ✓  
[No CREP benefits]
    - i. If there is a shortage:
      2. Any short fall in meeting the 300,000 acre feet aquifer benefits in Water District No. 120 (Pursuant to III.B), must be met by reducing depletions to the aquifer in Water District 120, up to that amount. The model will control whether or not the actions will meet the objective

- IV. CREP program must be implemented to the fullest extent possible, but is not part of the ground water districts' obligation. It is instead a State obligation. (See Below)
- V. The ground water districts are committed to renting the ESA flow augmentation storage water at the augmentation rate, if any, before other water may be rented.
- VI. An effective monitoring, administration and enforcement program by IDWR, which would include objective performance/measurement standards, including the springs identified in the State's Framework and American Falls Reservoir, and monitoring wells throughout Water District 120.
- VII. The Department shall identify a timetable for creation of additional Water Districts in areas where groundwater pumping affects reach gains in the Shelley to Minidoka reach.
- VIII. The State shall create a Groundwater Management Area over the entire ESPA and adjacent areas that affect aquifer levels, reach gains and spring flows.
- IX. An opportunity for re-evaluation of reduced, stabilized or improved ground water tables and increased or decreased surface water flows from springs in the Near Blackfoot to Minidoka reach (performance review), based upon a criteria developed by hydrologists which takes into account either continued reductions in ground water levels or satisfaction of surface water rights
- X. The State of Idaho's responsibility to enhance the surface and groundwater supplies above Milner through:
  - Recharge and water rights acquisitions, including but not limited to natural flow.
  - Support and funding of CREP
- XI. Enforcement
  - A. The Mitigation/Management Plan shall identify with specificity by April 1 all sources of water to satisfy the obligations with the necessary assurances that the actions contemplated will provide the benefits of the agreement. The Director shall approve the annual obligations through the use of the model. In the event of a breach of the agreement, the Department shall immediately administer water rights and the agreement shall recognize the existing level of injury and ongoing injury to surface water rights from groundwater diversions.