

THE IDAHO GROUND WATER APPROPRIATORS, Inc. (IGWA)

An Overview of Water Conflict

The Need to Manage
the Snake River Plain Aquifer

Who We Are...

- IGWA members rely groundwater pumping
- Our membership includes agricultural, industrial and municipal ground water users across southeastern Idaho
 - Farmers & dairymen
 - 13 cities
 - Members of the 10 groundwater & irrigation districts
 - Industrial users, food processors
- In all, IGWA represents more than 1 million acres of agricultural land and 120,000 residential and business customers
- IGWA's mission is to represent groundwater pumpers' interests, including the promotion of efficient use and economic development of water resources...Idaho's Lifeblood



A Monumental Conflict

- Idaho is in the midst of a monumental conflict between the rights of ground water users and surface water users
 - “First in time, first in right” vs. “maximum beneficial use of water”
- Idaho water law states that Idaho’s ground water should be developed to provide the maximum economic benefit (Idaho Code: 42-226)



A few recent headlines...

- 'Magic Valley farmers wrestle with uncertainty over water'
- 'Water Fight: Restraining order lifted'
- 'Water chief: Shut offs will be enforced'
- 'Deadline set in fight for groundwater'
- 'Farmers, industry brace for curtailment'
- 'Will state cut off water Friday?'
- 'Magic Valley headed for an Armageddon summer in '08'
- 'Water Resources director accepts mitigation plans, cancels curtailment'

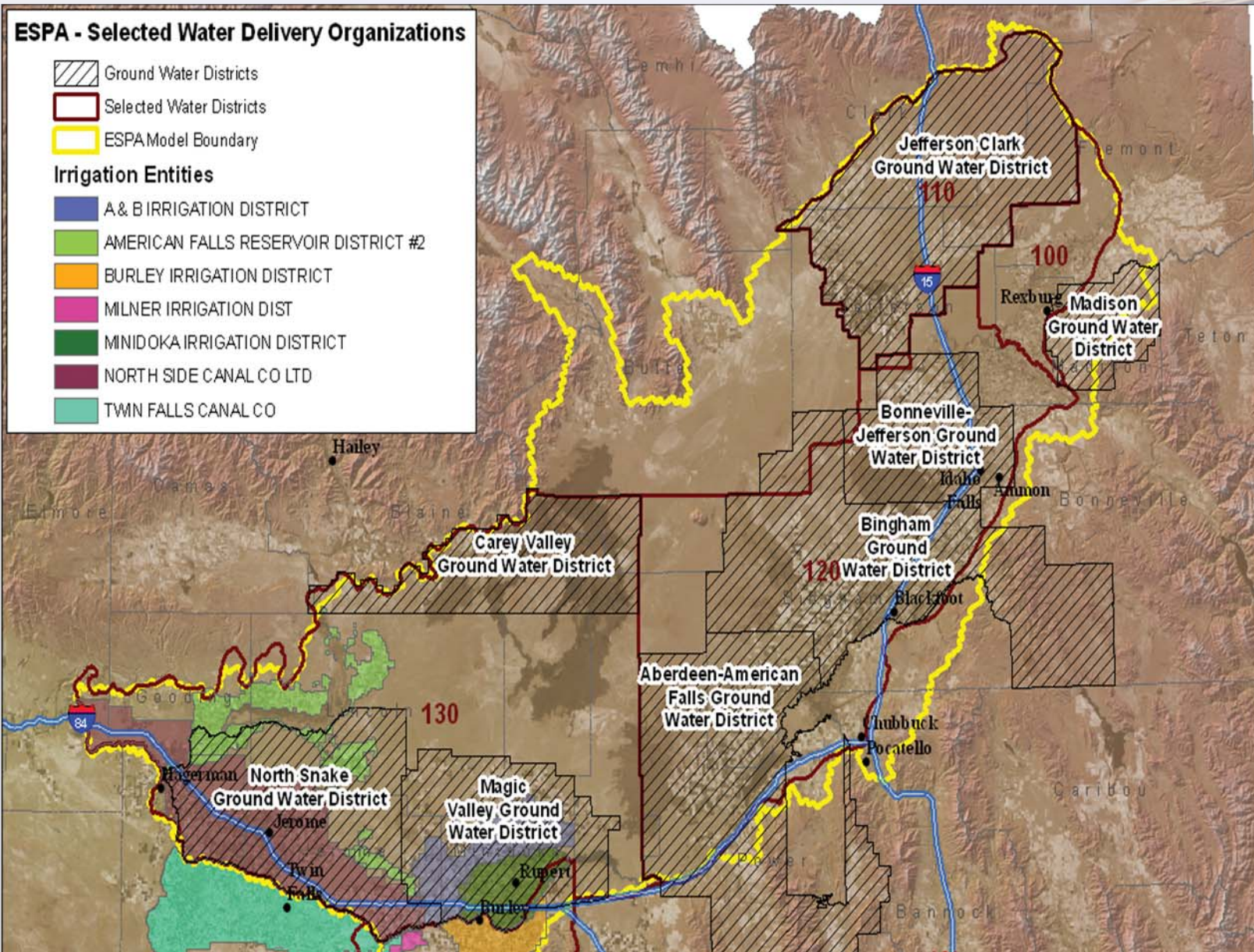


Eastern Snake Plain Aquifer

- Provides 97 percent of the water used by Idahoans who live on the Eastern Snake River Plain:
 - One third of Idaho's population lives in the Snake River Plain region
 - Consists of all or part of 20 counties
 - 9,000 square miles or 35% of the state
- The Aquifer itself underlies 10,000 square miles or 13 percent of the State of Idaho
- It holds as much water as Lake Erie
- 30-50 times more water than all reservoirs on the Snake River System



The Snake River Aquifer

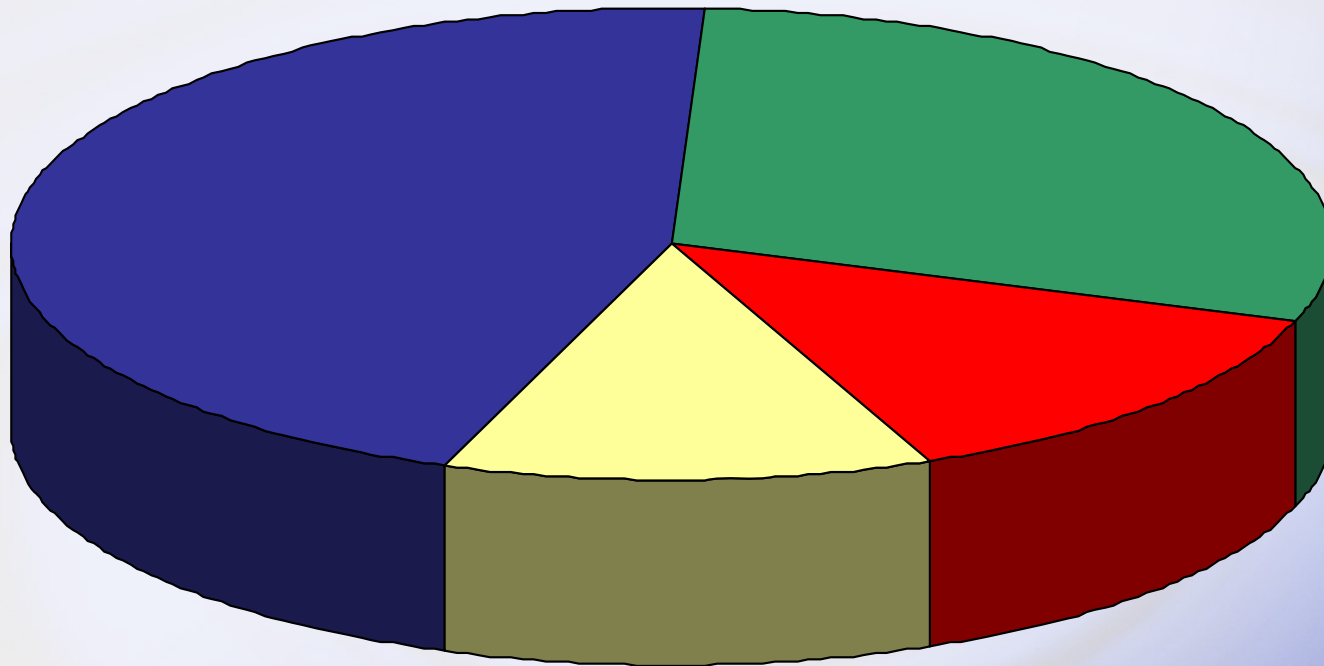


Who Uses The Aquifer?

- Municipal and domestic water wells
- Agriculture-Irrigation with groundwater
- Agriculture-Irrigation with surface water that is fed by spring discharge into river
- Springs-Aquaculture and other uses
- Commercial and industrial uses
- Tourism
- Wildlife/environmental benefits



What Recharges the Aquifer?

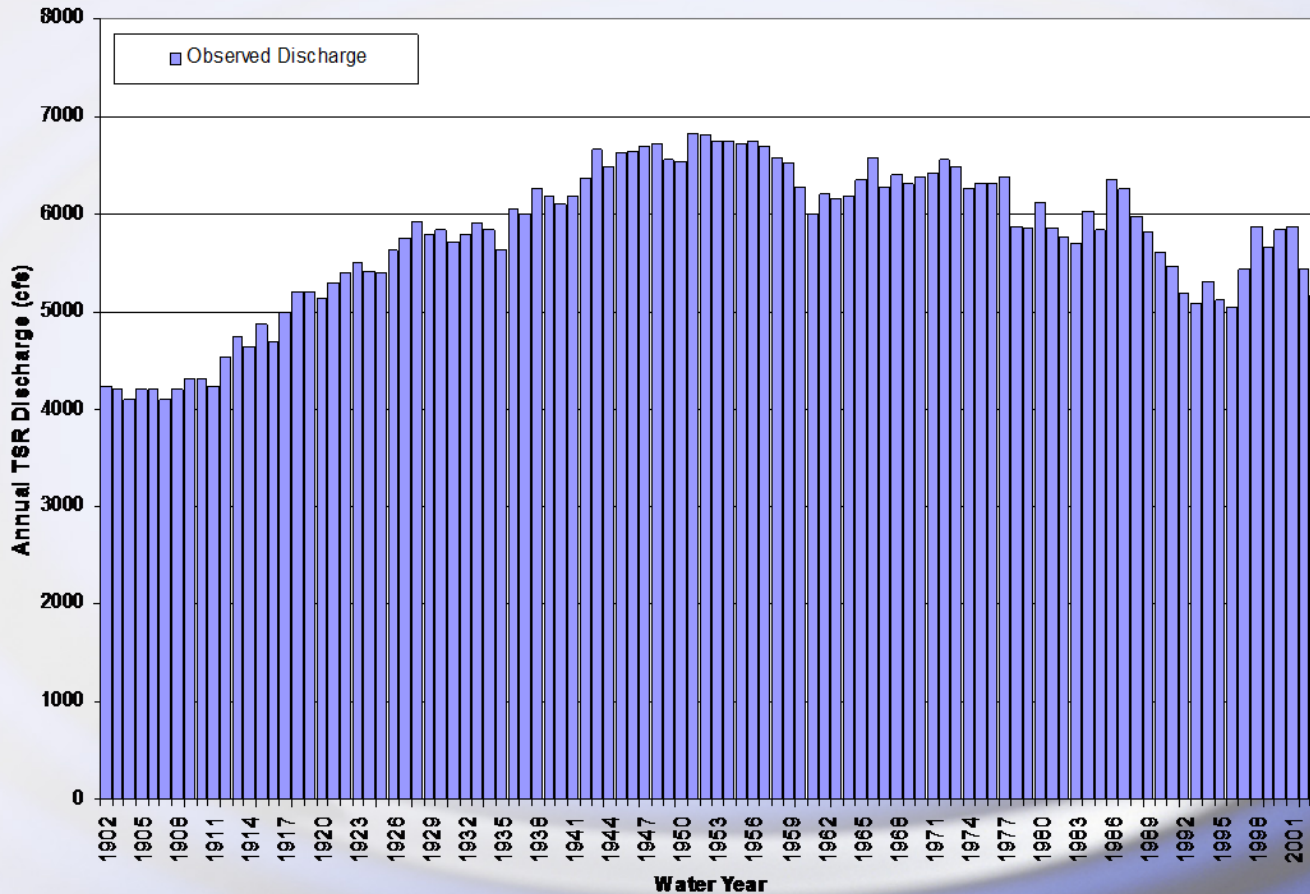


- Percolation of Irrigation Water - 45.4 percent
- Seepage of Direct Precipitation - 29.3 percent
- Underground Flow From Aquifer Tributaries - 13.3 percent
- Seepage From Streams Above the Aquifer - 12 percent



Annual Aquifer Discharge To Thousand Springs

Annual Aquifer Discharge to Thousand Springs Reach (TSR)



A Lot of History...

- **Late 1800s to 1950:** The development and expansion of flood irrigation along the Snake River from Rexburg to Twin Falls
- **1940s to 1963:** Construction of Federal Storage Reservoir system (Milner Dam, Jackson Lake, American Falls, Palisades and others)
- **1940s to 1980s:** The development and expansion of aquaculture rights in the Thousand Springs reach
- **1950 to 1987:** Ongoing conversion of flood irrigation to sprinklers;
 - Ongoing expansion of new sprinkler irrigation from groundwater
- **1987:** Swan Falls Agreement and beginning of SRBA: Ended the development of new irrigated acreage



A Complicated Issue

- It's counter-intuitive, but more efficient use of water on the surface has caused a decline of aquifer levels since the 1950s.
 - Sprinkler irrigation
 - Lined ditches
 - Policy change ending winter diversion and mandating winter water storage
 - Expanded spring water diversions
- These practices became strongest after the 1977 drought
- Recent prolonged drought added to the problems



Thousand Springs Situation

- In 2005, Blue Lakes Trout Farm and Clear Springs Snake River Farm and other fish farmers, who also use ground water from the aquifer, made water delivery calls attempting to shut off selected junior ground water users.
- The Director of the Idaho Department of Water Resources, who administers water rights issued a curtailment order against junior ground water users.
- These orders are being challenged by IGWA, the cities and dairymen who claim the spring water users have no legal right to curtail them.
- Groundwater users have demanded, but have never been given a hearing, to assert their defenses.
- To avoid curtailment of their rights and avoid a regional economic disaster, groundwater users have spent around \$1 million annually leasing and delivering water to spring water users since 2005.



Most Recent Actions

- On June 15, 2007, IDWR issued a curtailment order to shut down 591 groundwater rights and dry up around 17,000 acres of southern Idaho farmland in Blaine, Butte, Gooding, Jerome, Lincoln and Minidoka Counties.
- On July 6, 2007, that order was lifted when IGWA and the Idaho Dairymen's Association, with the help of upper Eastern Idaho irrigators, provided additional mitigation water to avoid curtailment this year.



A Crisis Averted...For Now

- If the curtailment had become a reality:
 - Estimated direct losses of \$1200 per irrigated acre dried up
 - The direct economic damage to Idaho farmers and their families would have been tens of millions of dollars
- Indirect impacts? No one really knows:
 - Bank loan defaults
 - Retail businesses
 - Dairies
 - Food processing plants
 - Property taxes, sales taxes
- Safe for 2007...but with no solution in sight, what about 2008?



Two paths forward...

- A long-term settlement between ground water and surface water users
- Litigation and a court decision to resolve these long-standing issues



A Possible Settlement...

- State leaders unveiled the comprehensive ESPA Comprehensive Aquifer Management Plan Framework earlier this year.
- It's goal:
 - “To sustain the economic viability and social and environmental health of the Eastern Snake Plain by adaptively managing a balance between water use and supplies.”
- An advisory committee and aquifer users of the aquifer are working together to further develop that framework.



In the courts...

- Long standing legal disputes between ground water users and surface water users will begin to be resolved in hearings before IDWR in late 2007 and early 2008.
- Idaho Supreme Court is almost certain to have the final say.



A simple water solution?

- We believe managing the Eastern Snake Plain Aquifer – not shutting off use of the aquifer – holds the key to resolving the water supply conflicts of the past 25 years.
- If systematically managed, the ESPA essentially becomes the largest reservoir in the West – an even more valuable resource.



IGWA's Underlying Principles

- Maximize the beneficial use of water resources to the fullest potential
- Protect water rights and personal property rights
- Periodic drought should not drive permanent policy
- With aquifer management, spring discharges can be sustained at current levels



Maximizing Beneficial Use

- No one use should be allowed to command entire aquifer
- Long term sustainability is possible through active and adaptive aquifer management
- Maximizing retention of water in Snake River basin above Milner is vital



Critical Times for Water Users

- This is one of most critical times for water users in the state of Idaho – and we all use water
- Two different paths:
 - One leads to the development of a negotiated resolution tailored to accommodate all interests to the maximum extent possible
 - The other leads to continued contentious litigation to further define the relationship between the principles of the prior doctrine
- Both lead to the same place – development of a comprehensive aquifer management plan
- Do we want to define our own destiny or leave it to the courts to do so?



Websites of Interest



- Idaho Water Policy Group www.idahowaterpolicygroup.org/index.html
- Department of Water Resources www.idwr.state.id.us
- Idaho Water Resource Board www.idwr.idaho.gov/waterboard/
- Idaho Water Resources Research Institute www.iwrri.uidaho.edu
- Idaho Water Supply www.idwr.idaho.gov/water/supply
- Department of Environmental Quality www.deq.idaho.gov
- Department of Agriculture www.agri.state.id.us
- Public Utilities Commission www.puc.state.id.us
- Idaho Supreme Court www.isc.idaho.gov
- Legislative Services Office www.legislature.idaho.gov
- Food Producers of Idaho www.foodproducersofidaho.org
- Idaho Association of Commerce & Industry www.iaci.org
- Idaho Council on Industry and the Environment www.icie.org
- Soil Conservation Commission www.scc.state.id.us

**For More Information
Contact
Idaho Groundwater
Appropriators,
Phone: 208-381-0294
Fax: 208-381-5272
P.O. Box 2624
1109 W. Main, Suite 300
Boise, Idaho 83701-2624
www.idahowaterpolicygroup.org**

