



1725 Riverton RD · PO Box 1268 · Blackfoot, ID 83221 · (208) 684-9634

May 23, 2023

Dear Industry Partners,

We are writing to ask for your help as we seek to encourage a balanced, reasonable approach to water administration in the state of Idaho. As you are aware, on Friday, April 21 the Director of the Idaho Department of Water Resources released the April as-applied methodology order pursuant to the Surface Water Coalition delivery call. The Director determined that all groundwater rights in the Eastern Snake Plain Aquifer (ESPA) junior to December 30, 1953 will be subject to curtailment to account for a calculated shortfall of 75,200 acre-feet to the Twin Falls Canal Company. The Department estimates that such a curtailment would impact approximately 700,000 acres and reduce pumping by 1.6 to 1.8 million acre-feet. Because of current administrative rules for surface water, the vast majority of those acres could not be replaced and would simply come out of production. Such a curtailment, if carried through, would decimate farming in most of Southeast Idaho and would cripple our local economies.

Even though mitigation is likely possible this year, it may not be an option in dry or even in average water years in the future, which highlights the instability of relying on mitigation plans alone. The Department's new methodology subjects every acre within the ESPA to significant vulnerability and uncertainty for the foreseeable future. The fact that one of the wettest years we have had in recent history has given rise to the most severe curtailment we have ever seen is evidence of the dysfunction that threatens Idaho's economic stability and prosperity. A strict interpretation of prior appropriation laws without balanced consideration for other moderating constitutional principles is truly draconian and is not in the best interest of our state.

For the last several years, the Bingham Ground Water District (BGWD) and others have advocated for a balanced approach to water administration. It has become increasingly clear that there is sufficient water to meet the needs of both producers and industry members within the Upper Valley, the Snake River Plain, and the Magic Valley. The primary issue is not one of scarce resources, but of antiquated management (or lack thereof). The State's current method of enforcing prior appropriation laws not only fails to incentivize senior water users to conserve and meet reasonable efficiency levels, but in fact encourages inefficiency. It also fails to recognize one of the stated purposes of Idaho's conjunctive management rules, which is to administer water "in a manner consistent with the traditional policy of reasonable use of both surface and ground water." To that end, the rules state that "an appropriator is not entitled to command the entirety of large volumes of water in a surface or ground water source to support his appropriation contrary to the public policy of reasonable use of water." We would do well to remind our leaders, the media, and all stakeholders within the state that these principles should be at the core of our approach to water administration. A balanced approach to water that gives due regard to both the seniors' priority of right and to the necessities of subsequent appropriators is the only reliable path to long-term stability and prosperity. It is not our intention to change the prior appropriation doctrine nor to infringe upon private property rights. On the contrary, we believe that the surest way to uphold prior appropriation, and the valuable property rights it protects, is to give effect to all of the statutes and rules as they presently exist. Idaho has the ability to meet the water needs of the SWC and also keep groundwater irrigated farmland in production, within the parameters of the prior appropriation doctrine, if we will make that our goal.



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This is where we need your help. Our state officials, both in the Governor's and Lieutenant Governor's Offices as well as in the Legislature, need to hear from your businesses. They need to know how the State's approach to water administration affects your companies. There have been many suggestions, including from key policymakers, that Eastern Idaho should grow less high-water-use crops such as sugar beets, potatoes, and alfalfa, if we should be growing any at all. They need to know how such an approach impacts you directly. They also need to hear how water uncertainty for *all* crops in our region affects your businesses. We would encourage you to reach out to media outlets to let them know where you stand on this issue. We would be happy to provide examples of recent press releases, answer any questions you may have, or confirm any facts or concepts you may want double-checked. It would be helpful for parties to appreciate that your companies depend on production from all your growers, not only those in the Snake River Plain or in the Magic Valley. This need not be an "us vs. them" situation.

Sincerely,

Bingham Ground Water District Board

Connie Christensen – Division 2, Chair

A handwritten signature in black ink that reads 'Connie Christensen' in a cursive style.

Shaun VanOrden – Division 4

A handwritten signature in black ink that reads 'Shaun VanOrden' in a cursive style.

Kassidy Telford – Division 3

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Adam Young – Division 1

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