

East Idaho Water Rights Coalition
Idaho Falls City Council Chambers
Board Meeting
Legislative Forum
May 4, 2023

Keith Esplin:

- opened the meeting and introduced the program

Roger Warner:

- Roger gave introductory remarks and welcomes and turned the time over to Bryce

Bryce Contor:

- Discussed requirements of successful settlements
 - o Substantive satisfaction and
 - o Procedural satisfaction
- Discussed definition and application of Beneficial Use as part of prior appropriation.
 - o Admiration of prior appropriation requires looking at beneficial use as well; will not have a durable solution for administration if you only look at one.
- During his time working at IDWR he helped on the Rangen call, prepared model, found mistake in the model, 2006 had mistake fixed and used model.
 - o Discussed steady state representation being used to figure out curtailment
- History of current water delivery call:
 - o SWC water call in early 2000s
 - o 2008 order, did not include methodology, but promised methodology in future
 - o 2010, methodology order provided
 - o 2010, plan crafted to respond to this
 - o 2015 amended, threat of curtailment, shortfall was based upon 107,000 acre-feet, would have been curtailment of 1975 priority date; maybe 1983; no order published
 - o SWC/IGWA began working on a settlement agreement to resolve
 - o 2016 – fourth methodology order issued – worked until 2023
 - Calculate shortfall
 - o 2022 – SWC accused IGWA of not complying with the plan
 - o 2023 – Movement to change everything.
 - o Settlement plan failed
 - o Friday April 21, 2023, orders
 - Changed baseline and
 - Changed from steady to transient state analysis
 - This changes the curtailment dates drastically
 - o Transient makes sense technically, but only if policy pieces all line up.
 - o 4 of the 18 pieces make sense.
- Discussed significance of the baseline year in the model:
 - o The number is 75,200 acre-feet, and it is much bigger than what the previous baseline year produced.
- Steady State

- o Time agnostic,
- o If I do this here on the aquifer, where will that water show up?
- Transient
 - o Adds, how long will it take to get there?
 - o Was not aware of the policy behind the decision to switch to transient
- Questions:

Bob Turner for the IGWA:

- Provided a history of IGWA:
 - o Formed following the enactment of Ground Water District Act in 1995
 - o Defend against delivery calls and provide mitigation
 - o Approximately 1 million acres of land
- Perception meets reality:
 - o Wet year, delayed spring, but new MO predicted SWC shortfall
 - o May 2022 injury was 162K 1979 priority
- Challenge is to meet the water needs of SWC while keeping acres in production
- Ground Water Management Plan Implementation discussion
 - o Goal is to stabilize the aquifer and increase reach gains
- Challenges with ground water levels will continue as the weather and climate are changing.
- Population growth and endangered species also require more water
- Need to work together to sustainably manage water supply.

Keith Esplin:

- There is plenty of water flowing by in the Snake River, so the issue is how do we capture and use the river.
- We are not the Colorado River; need to manage better

Alan Jackson:

- Introduced Dylan Anderson
- Discussed the 2015 Settlement Agreement
 - o SWC alleged breach of the settlement agreement
 - o 240,000 acre-feet annual reduction – ground water users are not set to pump the same volume every year.
 - o If you don't know how much you are going to pump that year, how do you know you have met that 240K
 - o Average your use over five years, and create a baseline
 - o Only way to cut is to lessen acres or recharge.
 - o But without averaging, recharge doesn't help; this is because there is no storage water in wet years.
 - o Plus, there is the Water District #01 last to fill rule. Etc.
 - o IF you have to reduce, what are you reducing from?
 - o Now, every year, you must be below the baseline, which requires reducing far more water on average than what is required in order to comply with hot dry years.
 - o Don't know what your year is going to look like until you are in it.

- o Discussion on recharge and how it was used with the understanding that the agreement permitted recharge.

Connie Christiansen:

- Storage contracts for wet (storage) water
- Need to come up with 50K acre-feet storage water each year
- Agreement has driven up the cost of water – some ten times higher than before
- Competition for water is increasing.

Alan Jackson:

- Aquifer Level Goals
 - o Objective of the agreement was to build aquifer up so there would not be a call anymore.
 - o Will not hit the target this year either.
 - o All the efforts done in the past did not solve the problem
 - o Adaptive measures, include additional recharge or consumptive use reductions

Brad Buttars:

- Need averaging in a settlement agreement
- Need better measuring of surface water consumption and reach gains
- Need more conservation

Skyler Johns

- Legislators should stay engaged and communicate and work with coalition folks and stay informed

Dean Mortimer:

- Idaho's greatest natural resource is water
- We have a responsibility to take care of it.
- State owns and manages the water; responsibility and culpability
- Unique opportunity with funds available to try to fix some of this.
- If Director does not have the ability to solve, then Legislators should fix it.
- Needs to be a problem solver, not a judge.
- When we are fixing this problem, need time, notice,
- State is really responsible for this
- So, if start changing things, that methodology shouldn't be changed without notice, input,
- April edict caught us all off-guard.
- Millions in recharge and no credit is being given to folks
- Recharge water is there somewhere
- Need to better manage

Q&A