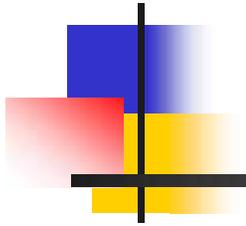


Managed Ground Water Recharge Legislation

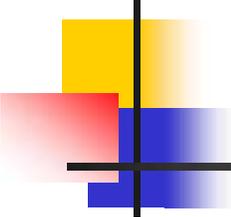
Comments to Idaho Water Resource Board



David R. Tuthill, Jr., Ph.D., P.E.

January 24, 2014





Outline

- Idaho is in a strong position to recharge ground water that is needed for farm land replacement.
- Opportunities for recharge exist in the Upper Snake River Basin. Downstream states will use water if we don't.
- Detrimental amendments have been proposed for managed ground water recharge legislation.
- IWRB Action is requested.

Agricultural White Paper
October 2012

Agricultural Water:
Protecting the Future of Our Nation



A diverse group of concerned agricultural producers react to the lack of leadership on water supply issues and priorities

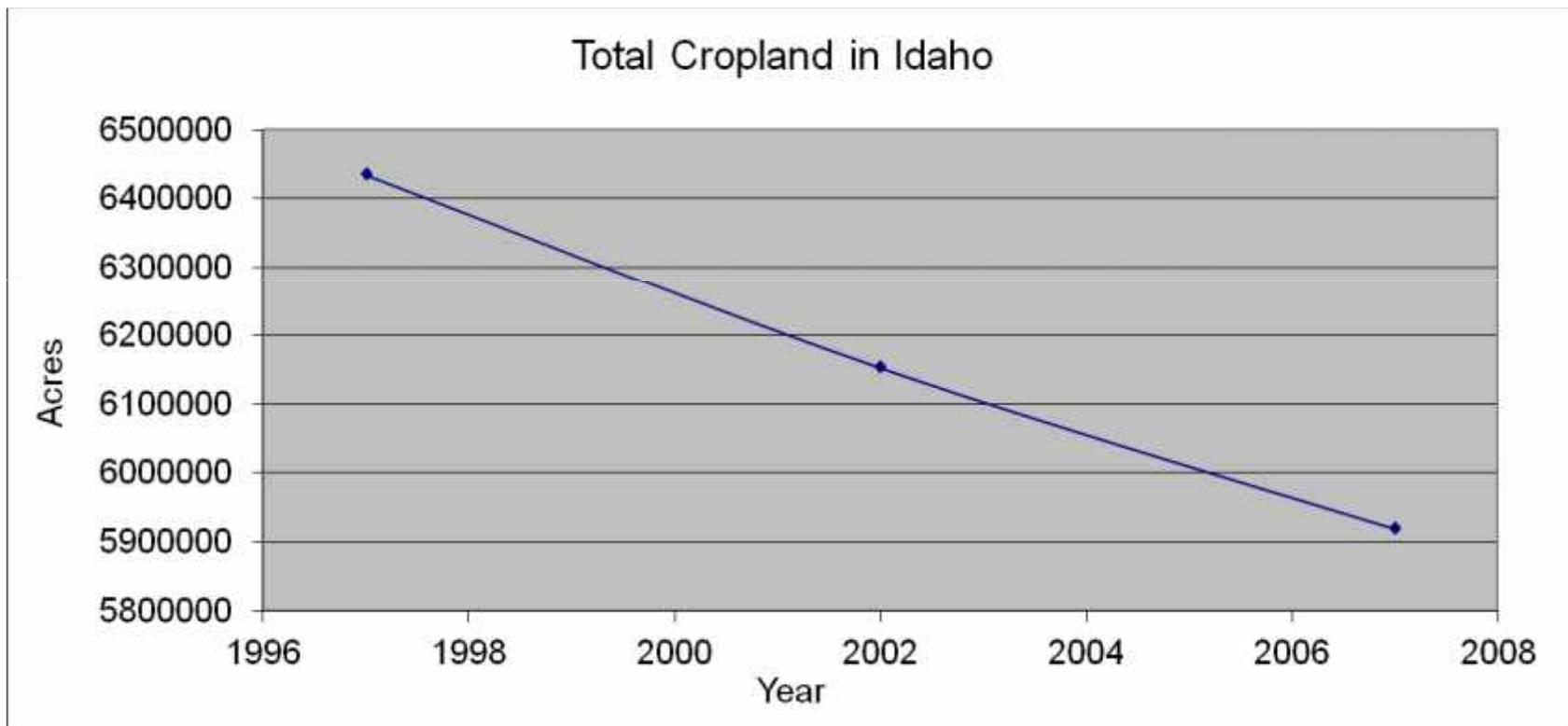
“Our nation needs agriculture and agriculture needs water”

11 Water Supply Recommendations, including:

- Increase the emphasis on water storage technologies, including underground storage when practical

Idaho's Declining Farmed Land

Source: USDA Census of Agriculture for Idaho



Losses from 1997 to 2007: - 516,547 acres of crop land (8.0%)
234,916 acres of irrigated farmland (6.9%)

Capital Press Stories



**Water unlocks productivity
of Eastern Oregon farmland**

February 15, 2013

Capital Press The West's Ag Website

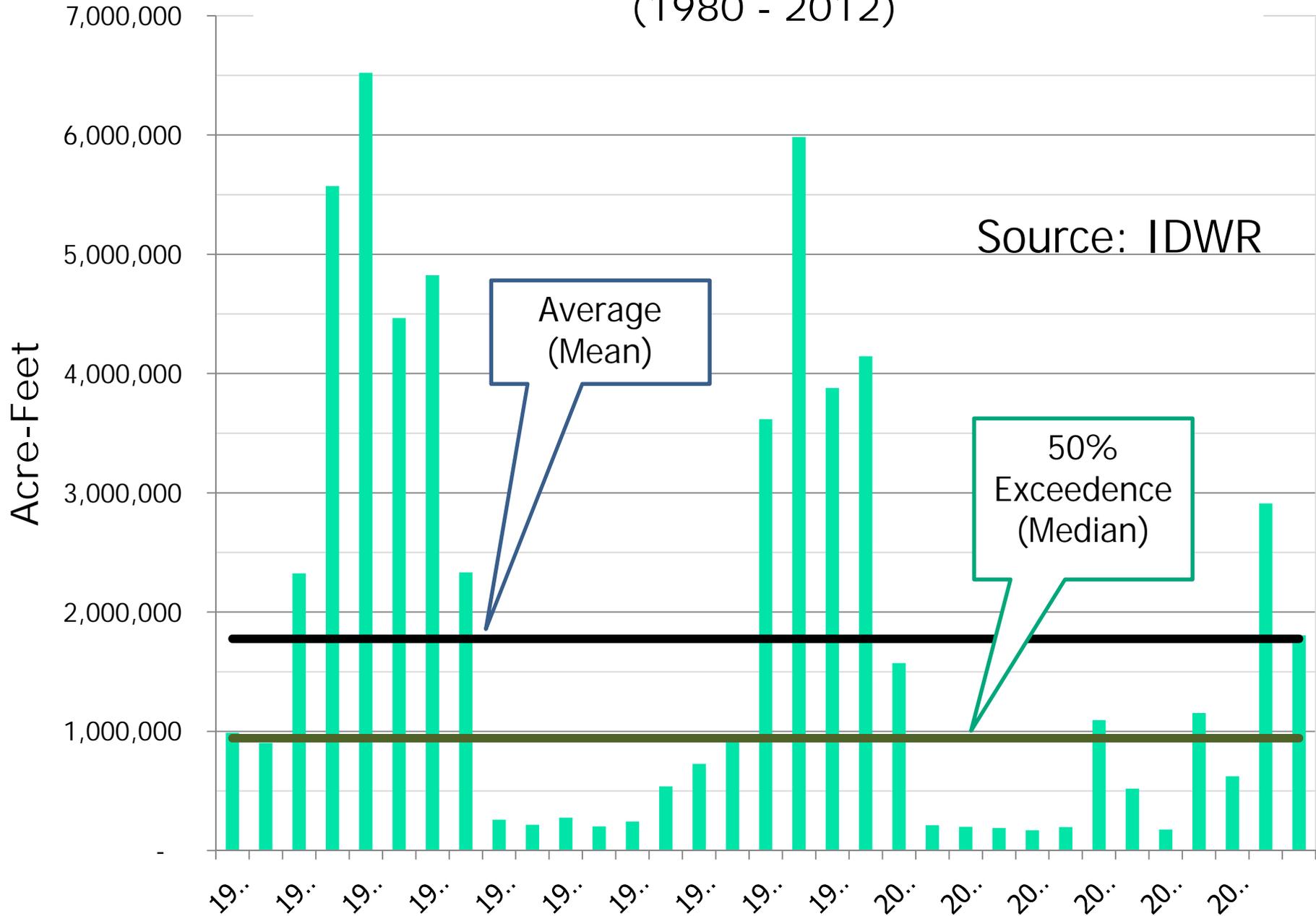
Home California Idaho Oregon Washington Opinion Livestock Dairy Other N

Posted: Tuesday, October 26, 2010 4:25 PM

Proposals would water more Washington acres from Columbia River

...Four of the eight alternatives released Tuesday would supply surface water to about 57,000 acres currently irrigated by groundwater south of Interstate 90. The other four proposals would replace groundwater with surface water for 102,600 acres, both north and south of the interstate.

Total Annual Volume of Natural Flow Passing Milner (1980 - 2012)



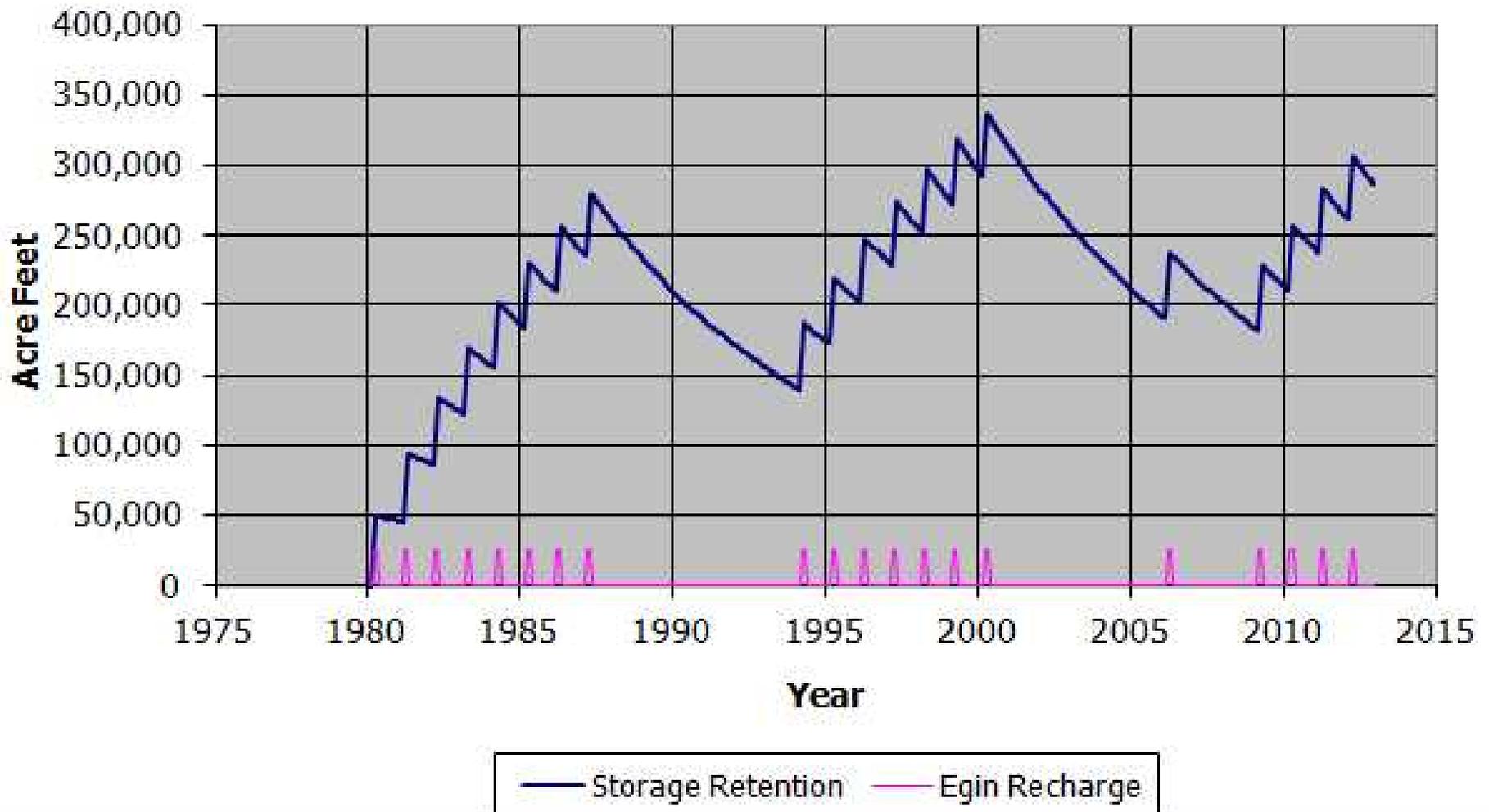
Source: IDWR

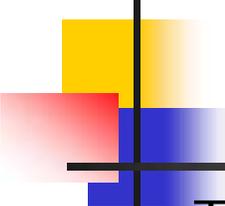
Average
(Mean)

50%
Exceedence
(Median)

**ESPAM2.1 Modeling Egin Recharge
(Whenever Flow Past Milner > 500,000 Recharge
50,000. Average Recharge 30,000 AF/Year)**

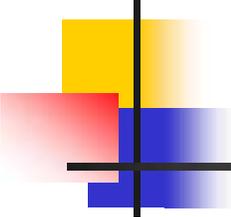
ESPAM 2.1





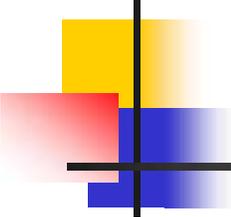
Legislation Discussions April-Nov 2013

- The legislation drafting group, consisting of John Simpson, Jerry Rigby, Garrick Baxter, Dan Steenson and myself met many times. The legislation underwent a series of modifications. Garrick Baxter estimated that 30+ meetings were held.
- A revised approach was developed, and a draft was found to be acceptable to all in the legislative drafting process.
- The IWRB voted unanimously on November 20, 2013 to support the legislation.
- The Idaho Water Users Association Legislative Committee voted unanimously on November 20, 2013 to support the legislation.



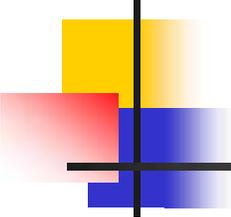
Recent Events

- January 13, 2014, John Simpson sent an email conveying further suggested amendments to the legislation:
 - “groundwater for DCMI purposes only in each basin until the hydrologic goals identified in subsection (3) are attained in that particular basin”
 - “(ii) must comply with the local rental pool provisions; (iii) shall not affect the physical fill of the reservoirs above Milner Dam; and (iv) shall not injure existing rights in the reservoirs above Milner Dam.”



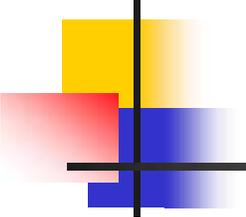
Recent Events

- January 21, 2014, Idaho Water Users Association Legislative Committee voted to send this legislation back to the working group.



Assessment

- Water in the Upper Snake River Basin is not fully appropriated relative to storage opportunities – private recharge opportunities should be encouraged, not inhibited. Specific uses cannot be selectively prohibited.
- Legislation was negotiated over many months – we are now back at square one.
- We believe modification to exclude replacement acreage is unconstitutional.
- We will contest the amended language in the Legislature, and in the Courts if necessary.



We Request that IWRB:

1. Send a message to the IWUA that this proposal should not be sent to the Legislature for action if replacement acres are not allowed.
2. Continue an open, comprehensive discussion on managed ground water recharge over the coming year to develop changes to the statutes that will be good for the state in the long term.